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ABSTRACT

This global approach to teaching high school students about international law uses existing curriculum materials from a variety of social studies disciplines to present five major perspectives. Perspective I "Global Links," focuses on the meaning of citizenship in a global age and the interconnectedness between individuals and the international system. Perspective II, "Cultural Contrasts," examines custom and law, including cultural perspectives on family law, decision making in another culture, and international human rights. Perspective III, "Actors and Relationships," examines actors on the international stage including nation-states, multi-national corporations, regional organizations, and non-governmental organizations. Focusing on "International Order," perspective IV presents an historic view of various models of world order, law, and government. The final perspective provides an introduction to international conflict; lessons on negotiation, arbitration, adjudication; and other approaches to resolving international conflict. Student materials containing readings and activities are presented in the order provided in accompanying teaching materials. Student materials include readings reprinted from news articles and other publications, readings in question-and-answer format, simulations, worksheets, survey questionnaires, related vocabulary, and discussion questions. Maps, data tables, and photographs supplement student readings. (LH)

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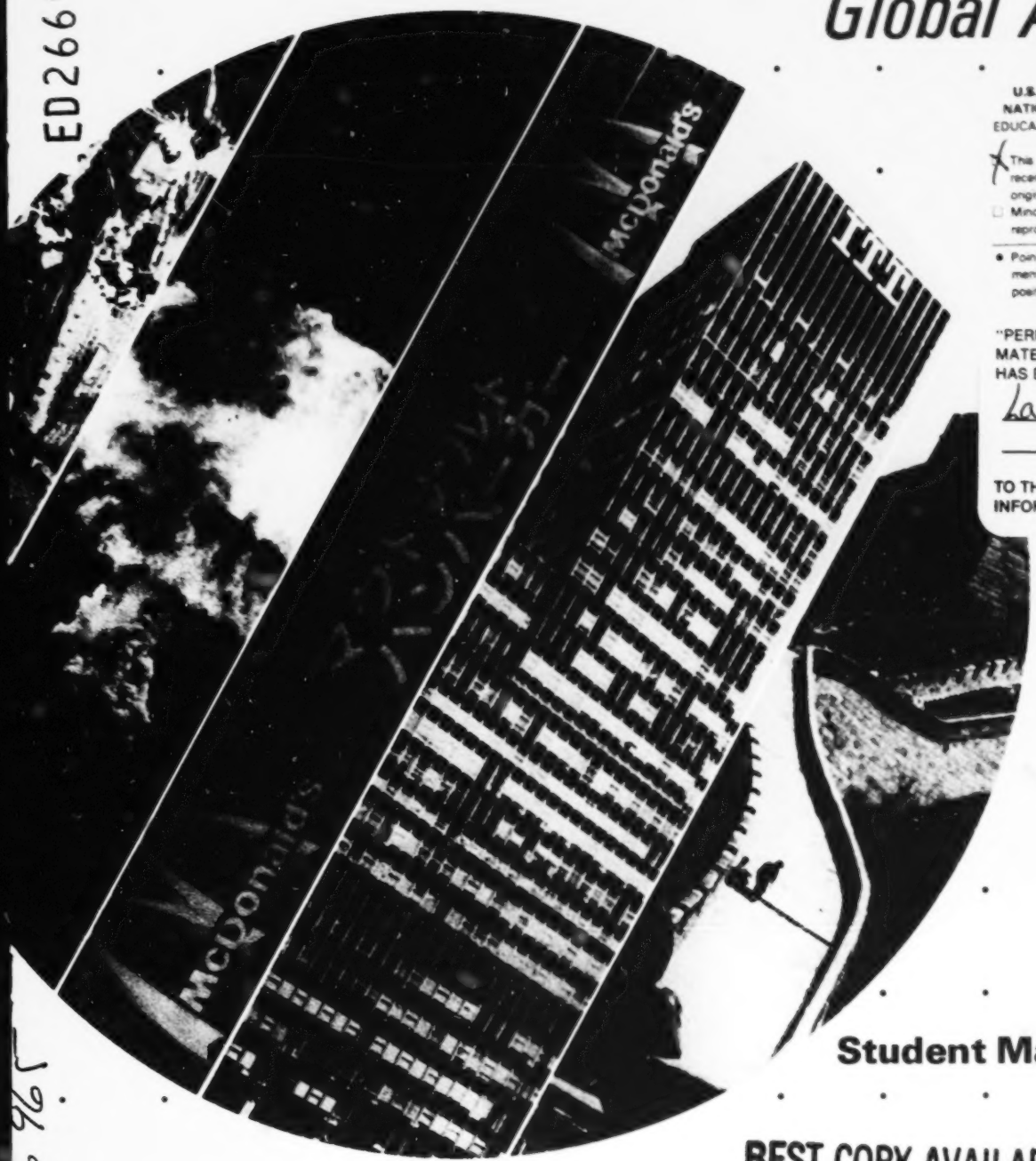
International Law in a Global Age



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International Law in a Global Age

Student Materials

Developed by

Marshall Croddy and Phyllis Maxey

Constitutional Rights Foundation

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"'Today,' he (Mr. Suzuki) thinks to himself, 'I'd like a hamburger.'" *Wide World*

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Global Links

You live in a very different world than did your parents and grandparents. Not only are there more countries today than ever before, the contacts and connections between peoples are also greater. Our homes are filled with products from other countries–stereos, televisions, cars, appliances, food stuffs, clothes–the list is almost endless.

People, too, serve to link us with the rest of the world. Chances are that some of your schoolmates were born in other countries. After all the United States is a land of immigrants. If you are not an American Indian, your family too has links with a different part of the globe. With each new wave of immigration, the culture of the United States has become richer and more diverse.

Unfortunately, not all global links are positive. Just as we share economic and cultural benefits, we also share some very serious problems: problems that do not stop at national boundaries. Poverty, environmental pollution, war, and violations of human rights threaten us all no matter where we live. Only with a clearer understanding of these problems and by working together can we ever hope to solve them.

International law is another force that links us together. Today, it makes it possible for us to communicate with other lands: through travel, mail and trade. It can and has been used to regulate resources and settle territorial disputes among nations and international businesses. In the future, other problems may find solutions through law: terrorism, pollution, and even war. The more connected and complex our globe, the more we need international understanding and law.

In this perspective, you will find out how we are linked together economically and culturally. You will also examine the massive global problem of poverty. Finally, you will discover how international law might be used to bring us together in positive ways–today and in the future.

WORKSHEET: Global Links in Local Newspapers

Instructions:

Working with your small group, go through the newspaper and clip or tear out all articles, ads and photos that are global in content. Review with your group the definition of *global system*. Fill in the answers to the following questions:

1. What is the global system or the global age that we are entering?

2. What kinds of newspaper items did you decide were "non-global" in content?

3. What percent of your newspaper is global in content? (Hint: estimate the holes.)

4. Which parts of the world received the most coverage?

5. Which subjects received the most coverage?

Take all of your newspaper clippings and organize them into different groups. How could these stories, ads and photos be categorized? Which can you group together?

List all your categories and include an example of the type of item that would fall into that category:

Category	Example

The World in a Japanese Home

You might have found many objects in your home that came from Japan. "While many Americans are familiar with the impact of Japan on their lives, they may not know very much about the impact the United States has had on the lives of the Japanese people. The Japanese import large amounts of food and raw materials from the United States. In addition, more American companies are locating in Japan." Look at a day in the life of one Japanese citizen, Akira Suzuki:

The day begins in the Suzuki household with a purely Japanese breakfast. Menu items absolutely necessary are rice and miso soup. They are supplemented by fried eggs or grilled fish.

But wait–let's take a closer look at this purely "Japanese" breakfast. The fact is that many things, apart from rice, depend on imported materials. The miso paste used for the soup is made from soybeans. Of the 3,600,000 tons consumed annually in Japan, a massive 95% is imported from the United States, providing one of the basic staples of the Japanese diet.

Now to Mr. Suzuki's eggs. Most Japanese think of eggs as a domestic food, but ignore the fact that the laying hens are raised exclusively on imported feed. The same is true of its fish; it is no longer remarkable to have an imported fish for breakfast.

In other words, the only purely Japanese item on Mr. Suzuki's breakfast menu is the rice. Imports, including those from the United States, play a large role in the rest.

At the same time, Mr. Suzuki does not limit himself to traditional breakfasts. Year after year, there has been an increasing trend for the Japanese to abandon their rice and miso

soup for bread and coffee or tea. The popularity of Western breakfasts–ham and eggs–is rising. This trend is particularly noticeable in the under-forty age group, where Western breakfasts are more popular than the traditional Japanese ones . . .

Breakfast is over for Mr. Suzuki, and it's time to get dressed for the office. First he slips into his cotton underwear, then his shirt (a blend of cotton and synthetic fibers). The United States supplies much of Japan's cotton. In 1977, Japan imported 650,000 tons of raw cotton; 210,000 tons, or 32% was from the United States.

Mr. Suzuki arrives at his company and is sitting at his desk in the sales promotion section. His job today is to prepare reference materials for an upcoming meeting; a copy of the materials must be made for each member of the meeting.

Mr. Suzuki's firm has a large-size Fuji Xerox copying machine. A number of Japanese manufacturers produce copying machines that serve the small and medium-size market, but Fuji Xerox commands an overwhelming share of the large-size machine market, and virtually no medium or large Japanese firm is without at least one.

The data for Mr. Suzuki's meetings is assembled by an IBM computer. IBM and other American computer manufacturers control a large share of the Japanese market.

Mr. Suzuki, like other office workers, considers the selection of his lunch menu as one of today's most important small pleasures. "Today," he thinks to himself, "I'd like a hamburger." And off he goes to the nearest McDonald's. Another day he may opt for Kentucky Fried Chicken. Both chains are enormously successful in Japan.*

Akira Suzuki's day is much like those of many Japanese citizens. They use many products that are either partly produced in the United States or are produced in Japan using raw materials largely obtained from the United States. Without these products and materials, the Japanese economy would have to find replacements very quickly, or else suffer drastically.

*Alan Backler, Stuart Lazarus, *World Geography*, (Chicago: Science Research Associates, Inc., 1980) pp. 354-356.

Your City and the World

Does interaction occur between your city and the rest of the world? If so, what kind of interaction takes place?

This time you are dealing with your city as a unit instead of your home and family. It should be possible to find several examples of goods, services, ideas and people that link your community with other places outside the United States.

As a class, first identify the types of evidence you can use to answer these questions. Then determine where the evidence can be found. Here are some possibilities:

- Factories in your town that produce goods for shipment to other parts of the world or import parts and equipment
- Services listed in the classified (yellow pages) telephone directory
- Articles in your local newspaper linking your town to other places in the world
- Ethnic restaurants, neighborhoods, stores, sports, religious groups

Working in groups of two, collect the evidence. Keep a chart of your findings.

Adopted from Alan Backler, Stuart Lazarus, *World Geography*, (Chicago: Science Research Associates, Inc., 1980), p. 336.

International Roles

Select an international role (see list below) in your community that interests you. You may be interested in a volunteer role or a paid role. Interview a person that exercises this role and obtain the answers to the following questions:

1. What do you do with respect to international affairs?
2. What are the requirements for the position (including requisite experience, amount and type of education, personal characteristics, testing necessary, and language requirements)?
3. Is the role/position in much demand? Does the role require you to be geographically mobile?
4. What are the chief employers/agencies that would need this service?
5. What are the chief duties/responsibilities related to this role?
6. What benefits (material and nonmaterial) are aspects of the role?
7. What global value(s) does/can this role help to further–even in a small way?

Some International Roles In A Number Of Sectors Of Community Life:

University
Director of the Office of International Programs
Study Tour Advisors
Fulbright Advisors
Coordinator of Area Studies Program
Chairman of the International Program Committee
Director of the International Studies Office
Foreign Student Advisor
International Admissions Officer
Professor of foreign languages, foreign cultures and regions or international relations
International Bibliographer

Agriculture
Farmer growing food for export
Export manager in food processing plant
Expert in overseas agriculture development project
Coordinator of the Office of International Affairs in the College of Agriculture
Professor teaching agricultural students from abroad

Business
Export Sales Manager
Director of International Marketing
Manager of International Operations
Export Sales Manager
International Credit Manager
International Treasurer
International Operations Officer
Technical Manager
Legal Counsel, International Division
Vice President for International Banking
Geographic Area Officer, Banking Firm
Researcher, Contract Research Firm
Director of International Operations
Regional Coordinator, Contract Research Firm
Chairperson of the Foreign Trade Missions

Hosting
Host Family, Short-term and Long-term
Volunteer Coordinator, Hosting Organizations
Donor and Board Member, Hosting Organizations

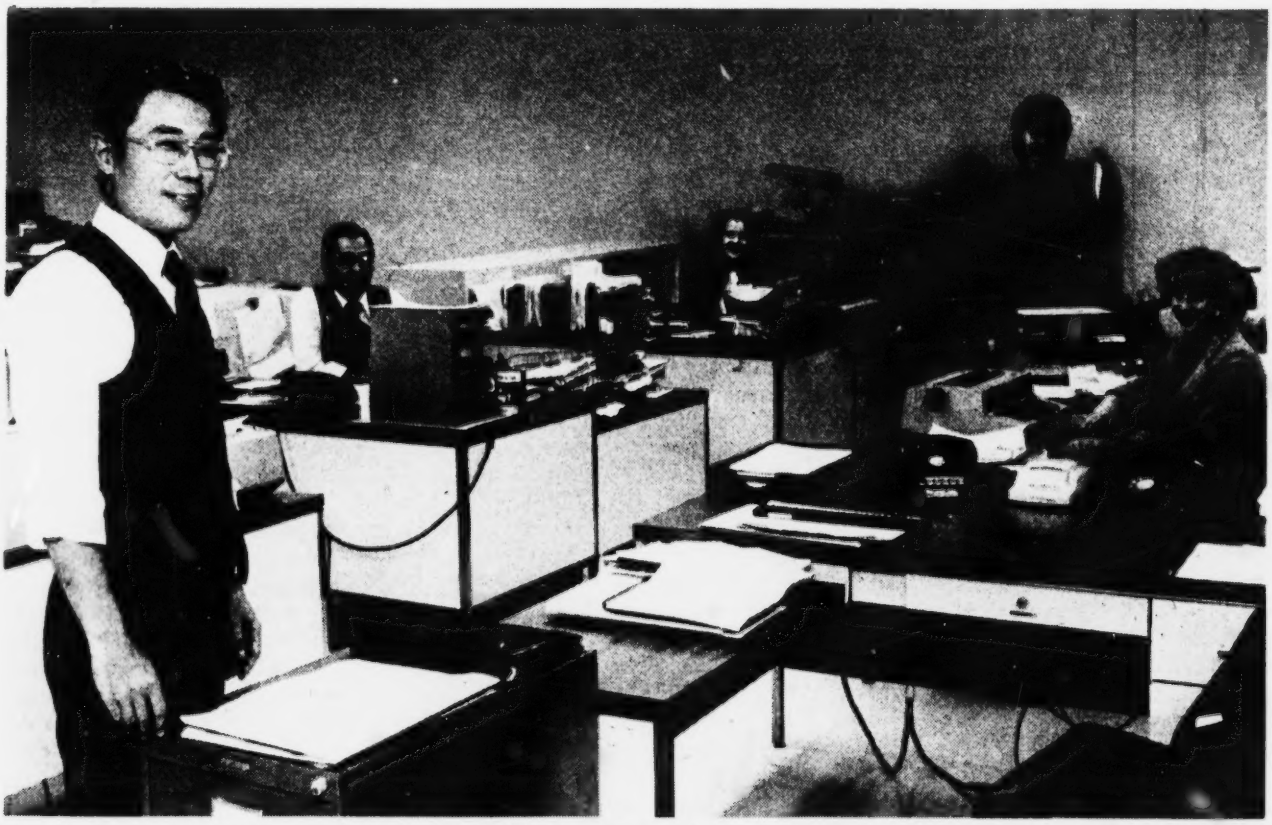
Sports
Player
Coach
Sports Promoter

Travel Agencies
Tour Guide
International Booking Agent
Tourist

Arts
Performer
Director of Symphony
Promoter of International Artistic Events

Service and Religious Organizations
Executive Director of CROP
Executive Director, World's Christian Endeavor Union
International Staff of the United Jewish Fund and Council
Executive Director, Anti-Defamation League
Staff, Volunteer, Anti-Defamation League
Officer, Church Women United
Fraternal Worker (Missionary)
Worker in Peace Corps or other overseas activity such as CARE or Project HOPE

C. Alger and D. Hoovler, *You and Your Community in the World,* (Columbus, Ohio: Consortium For International Studies Education, 1978), pp. 60–61.



Shown here are "four" of the "two hundred" American workers of a totally owned and operated "Japanese" trading firm doing business in New York.
UPI

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Frightened Saudis Look for Ways to Cut Foreign Labor

by Molly Izzard
Los Angeles Times,
December 28, 1980, Part 5, p. 3

Saudi Arabia, worried about internal subversion and reliant upon foreign workers for more than 60% of its work force, is planning to wean employers from dependence on imported labor.

The country's third five-year plan, for 1980 to 1985, calls for the education and training of Saudi nationals to involve them directly in the nation's development. The plan is geared to a switch from development of infra-structure like transportation, communications, ports, electricity and water supplies now largely accomplished or at hand, toward the use and maintenance of existing facilities and the increase of production by local industry and agriculture, especially in rural areas.

The private sector of the economy to date has been largely entrepreneurial, bringing in foreign know-how to serve an inflated consumer economy. But that is past, the plan indicates. Now, emphasis will be on the creation of an educated, well-paid, skilled and self-reliant work force of nationals, as in other modern industrial societies.

Migrant workers now make up at least 1.5 million of a work force of 2.5 million, in a nation with a population estimated at 8.1 million. The reduction of jobs for foreign workers must sound a warning note for the labor-exporting countries. In all the Arabian states, long queues of men, often wearing distinctive tribal dress, are a familiar sight in the banks and post offices, as they wait to transfer money homeward to their families. Women are in these queues, too, mostly South Indian Christians working as domestic servants and in the hotel industry, though they are now being joined, and sometimes superceded, by Sri Lankians and Malaysians. Their remittances will perhaps help a parent or educate a child, while those of the tall, powerful Afghan and Pathan construction laborers will more likely buy agricultural equipment, or a truck, or even weapons for the guerrillas fighting the Russians in Afghanistan.

Occasionally an insight into the extent of this traffic can be obtained from the study of information released by other countries of the Middle East. The Asian Wall Street Journal recently published the desire of Pakistan officials to put home remittances from immigrant labor to more productive uses than mere absorption into family budgets. Pakistan, in the year ending June 30, 1980, received home remittances totalling $1,760,000, a 25% increase from the wealthy oil-producing states of the Arabian Peninsula's eastern coast.

Such a situation provides its own insurance against disruption of the area's political and economic systems. Arabia acts as a lodestone for the work hungry Third World populations of the Indian Ocean, and labor comes to it eagerly from as far away as Korea, the Philippines, Taiwan, Malaysia and Ceylon, to say nothing of the traditional labor market of the Indian subcontinent fostered under British rule. Large numbers of Europeans and Americans still compete in the middle management and skilled craftsmen brackets with men from the Mediterranean littoral, northern Arabs from Egypt and Lebanon, Syria and Jordan, and with the Palestinians, whose superior education a generation ago made them a welcome acquisition to rulers anxious to break the near-monopoly of clerical and administrative jobs by Asians entrenched in these positions under the protection of British imperial rule.

The position of these Asians has been gradually eroded in the nine years that have elapsed since the departure of the British as the paramount power in the area, though the long established Hindu trading communities, whose members emigrated from the west coast of India in the 18th Century, still form an important element in the trade of the area. Indeed, in all the gulf states and in Oman, the wholesale grain trade is largely in the hands of Hindus, who are tolerated for their usefulness and who in turn accept their second-class status for the sake of the financial rewards their enterprise brings them. In the strictly Islamic world of the Arabian Peninsula, the status of the Hindu traders is akin to that of the medieval Jews in Europe. They are despised, but survive by adherence to a policy of non-involvement in the political affairs of their host country, and are unlikely to embroil themselves in any factional dispute. Like all alien communities in these countries, they have learned to keep a low profile.

The Arabs historically were a slave-owning society, and as in all such societies, an awareness of the dangers inherent in that situation is part of the national consciousness. The African Negro slave was phased out as an article of commerce by the middle of this century, but the descendants of slaves form a large part of the manual workers and cultivators of the peninsula. Apart from their lowly social status, they enjoy all the rights and privileges of the purebred Arab nationals. In this they are distinguished from the imported contract laborers, who have inherited their historic roles.

Contracted labor comes in usually for two years, and can bring no dependents. They cannot own property, and have no voice in local affairs. No trade union activity is tolerated, and there is little welfare provision for an alien work force beyond casualty treatment in the well-equipped modern hospital supplied by the state.

On entry, the worker surrenders his passport to the immigration authorities, and receives it back only on departure. Once landed, he is in the hands of the agent who recruits him, often fellow nationals financed by one of the powerful merchant families whose residence over several generations in the peninsula has earned them a national's privileges, whatever their origin. Labor is simply another commodity to these people, to be imported wholesale and retailed to the individual employer.

It is in this area that there has recently been a good deal of laxity. The events across the gulf in Iran, and the present open warfare between Iraq and Iran at the head of the gulf, has tightened security and prompted examination of the system in a way that no purely humanitarian concern has previously succeeded in doing.

The smugglers of eager, hopeful immigrants from the Indian subcontinent evading the quota system imposed by the host country and willing to pay well for the opportunity, has been a natural exten-

sion of the traditional ruthlessness and rapacity of the Arab seamen of the lower gulf, learned in the hard school of 18th and 19th Century piracy and slavings. In the 20th Century, it has translated into armed smuggling out of Muscat in the period of World War I in support of Persian nationalists and of Pathan tribesmen on the British Indian northwest frontier, and into gold smuggling out of Dubai to India in the '50s and '60s. Several scandals in the '70s relating to the stranding and abandonment of immigrants by dhow crews callous of their fate, which resulted in drownings and deaths by exposure, has led to a tightening up of coastal surveillance, and a closer watch on dhow traffic by the fast, armed patrol boats with which the Arab states now protect their long, desolate coastlines. To these are now to be added four frigates bought by Saudi Arabia from the French this year, along with two sleek oil tankers and missile-firing helicopters. These will join four corvettes already purchased from the United States, which should all be in service by the end of 1981, and together should greatly improve the security of the peninsula.

It is in the shadowy area of illegal immigration that an efficient police intelligence network, surviving from the pre-1947 period of British-Indian government ascendancy, finds much of its work. There are still Englishmen so engaged to be found in the gulf, quiet unobtrusive men, content to be overshadowed by their Arab employers. The days when thousands of passports accumulated, unclaimed long after their validity had expired, while their owners sank undetected into the casual labor market, have gone. Nowadays the scale of public work throughout the peninsula is such that contracts negotiated at government level have largely replaced the haphazard gathering in of the old-style labor contractors.

The South Koreans in the '70s introduced a standard of almost military efficiency which delivered work on time and undercut by considerable margins the American and British contractors, who until then had dominated the construction industry in Arabia.

But in a buyer's market such as exists in the oil states, fashions in labor can change, and at present the Koreans are being cold-shouldered, and even superceded in some cases by Thais, whom the Saudis now find more docile and reliable than the Koreans. These latter blotted their copy books by a scandal involving a two-year ban and a $19 million fine on Hyundai, one of Seoul's most successful contractors. Even more detrimental perhaps, were incidents of mutiny among the Korean work force in the industrially important Hasa province on the east coast, where demonstrators were forcibly overpowered and repatiated by their Saudi hosts. Such incidents do nothing to reconcile the national population to the presence of strangers in their midst.

It is a long time since Arabia suffered military invasion and occupation from outside. It was the Turkish Ottomans of the 19th Century who last attempted a conquest. They sent an Egyptian army down the Red Sea and across the peninsula to subdue the warring temper of the Wahhabi inhabitants of Central Arabia, and eventually after several setbacks established some sort of physical presence and customs control over the Red Sea and gulf ports of entry, and the main cities of the interior. But they did little else. The British a century later fomented rebellion against them, and fostered nationalist sentiments in their subjects, but were content to safeguard their own dominance by sea power, rather than by physical occupation of the terrain.

Fears of internal subversion are strong, and are countered by control of the apparatus of military and police surveillance by the most able members of the ruling families. In Saudi Arabia, both the minister and the deputy minister for the interior, who deal with national security, are brothers of the king and crown prince, as are the heads of the national guard and air force. Some 50 of the 4,000 or more Saudi royal princes serve as officers in the armed forces and are thus effective guarantors of their families' well being.

The preferred Saudi government system of control seems to be isolation of potentially insecure elements from the national population. This is perhaps an echo of earlier practices when colonies of Negro slaves were planted in remote areas of the country and left to get on unmolested with the business of cultivation, mining or whatever task was required of them, under the supervision of provincial governors and their armed followers. Their more sophisticated modern substitutes are housed where their movements can be watched and their contacts with the local populations minimized. Amenities which they might not see in their own countries are provided for their use. The largely Pakistani employees of the railway between Riyadh and Damman have had a leisure center provided for them, lavishly furnished and air-conditioned, equipped with cinema and television, game rooms and cafeteria. Inside the entrance is a marble fountain with multiple jets, which sway rhythmically in time to piped music.

Such are the bread and circuses with which the Arabs keep their well-paid Helots content, and aloof from internal politics. It is a cool and intelligent pragmatism, with an uncompromising choice of options. Any murmuring or display of independence on the part of hired labor, whatever its status, is met by prompt reaction on the part of the host, and the disaffected individuals or even group of individuals is shipped out to his country of origin with remorseless efficiency.

Major U.S. Immigration Laws

Immigration Act of 1819:
Required improvements in conditions of vessels bringing immigrants to the U.S. Ship captains were required to provide customs officials with a list of immigrants describing age, sex, occupation, where they came from, and where they were going. Passengers ill with contagious diseases had to be quarantined. States carried out the provisions of this law.

Immigration Act of 1875:
Provided for inspection of vessels by state officials. The law barred the admission of ex-convicts as well as Chinese and Japanese who had been brought to the U.S. against their will.

Contract Labor Law of 1885:
This law was designed to end the practice of signing up foreign laborers to work in America for low wages. No immigrant could have a job or a promise of a job before landing.

Immigration Act of 1891:
The job of processing immigrants was totally taken over by the federal government. Federal inspectors examined immigrants on arrival. All immigrants had to pass a medical exam and answer questions about their background and intentions in America. Shipping lines were forbidden to solicit immigrants in foreign countries. The law also barred from admission persons suffering from "loathsome or dangerous diseases," those convicted of crimes involving "moral turpitude," polygamists, and those whose passage was paid for by others. Those rejected

for immigration were deported at the expense of the shipping companies which had transported them to the U.S.

Immigration Act of 1907:
This law was passed during the peak year of immigration to the U.S. It allowed the President to arrive at an agreement with the government of Japan which limited the number of Japanese laborers entering the U.S. The law also barred the feebleminded, those with physical or mental defects, those suffering from tuberculosis, children under 16 without parents, and women entering for "immoral purposes." The landing duty was increased to $4.00 per person.

National Origins (First Quota) Act of 1921:
The number of immigrants from any country was limited to 3% of foreign born persons of that nationality living in the U.S. in 1910. A total of 357,803 persons were allowed entry into the U.S. each year. The formula in this law provided for relatively large immigrant quotas for northern European countries, and small quotas for southern and eastern European countries.

National Origins (Second Quota) Act of 1924:
This law further discriminated against southern and eastern Europeans by limiting the number of immigrants from any country to 2% of foreign born persons of that nationality living in the U.S. in 1890. Only 164,000 immigrants were to be admitted each year; this total was further reduced to 150,000 in 1929. In addition, it imposed new restrictions on Asian immigration.

Displaced Persons Act of 1948:
Refugees from countries ravaged by World War II were allowed into the U.S., but their entry was charged to the national quota limits established in 1924.

McCarren-Walter Act of 1952:
This law maintained immigration at 150,000 persons a year. The first 50% of each country's quota was reserved for skilled and educated persons. The remaining 50% was for close relatives of U.S. citizens and others who qualified. In addition, refugees fleeing Communist countries were admitted under special authority of the U.S. Attorney General.

Immigration Act of 1965:
This law abolished the national origins quota system. Preference is given to skilled persons and immigrants who are closely related to American citizens. The law sets a total immigration limit of 290,000 persons a year which includes a maximum of 20,000 individuals from any one country. After five years residency in the U.S., immigrants may apply for naturalized citizenship.

Refugee Act of 1980:
This law defines a "refugee" as any person leaving his or her own country because of a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular group, or political opinion." The law allows for the admission each year of 50,000 refugees from either Communist or non-Communist countries.

"1897 represented the peak year of immigration to the U.S." *Wide World*

T. Clark and M. Croddy, *Bill of Rights in Action,* (Los Angeles: Constitutional Rights Foundation, March 1981).

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Coming to America--The Illegals

It was the Fourth of July, 1980. A group of 27 persons could be seen walking across the desert of Organ Pipe Cactus National Monument in southern Arizona. With the temperature reaching 100° by midday, the people ran out of water. Opening the suitcases they were carrying, they began to drink anything liquid–shaving lotion, deodorants, cold cream. Finally, they drank their own urine. Hallucinating, six of the group collapsed under a palo verde tree before they lost consciousness. Later, when a Border Patrol officer found the six travellers... all were dead.

Who were these people? Their story began in the Central American country of El Salvador, where revolutionary violence had taken the lives of 3,000 people since the beginning of the year. Like many others before them, a group of Salvadorians arranged to flee their country and enter the United States illegally.

Consisting of middle class persons who paid $1,200 each to be guided on the 2,500 mile trip from El Salvador, through Guatemala and Mexico, to the U.S., they began their trek aboard an air-conditioned bus. As they approached the U.S.-Mexican border, they were told they would have to make the last part of their journey on foot. Some of the women in the group wore high heels. None were prepared for hiking through the desert.

They made the illegal border crossing on the night of July 3rd. By noon the next day they were exhausted and out of water. Six died together under the palo verde tree. Other bodies were found scattered over the desert, bringing the death total to thirteen. Fourteen of the group survived.

The Salvadorans whose journey ended so tragically in the Arizona desert were part of a steady flow of illegal aliens across the U.S.-Mexican border. How many of these people have entered the U.S.? Where do they come from? Why do they come? How do they manage to slip across the border? Perhaps most importantly to Americans, what effect do they have on the U.S. and its economy? These are important questions to answer because illegal immigration is becoming one of the greatest social problems facing this country today... and one of the most difficult to solve.

How Many? Where Do They Come From?

No one really is sure how many illegal aliens have entered the United States. Estimates have ranged as high as 12,000,000 persons. But, the best guess is that fewer than 4,000,000 illegals are living in the U.S. at any one time. Population experts have discovered that while there is a constant flow of people coming into the United States illegally, there is also a counterflow leaving each year. This is especially true in the case of Mexican illegals.

Illegal immigrants come from many different parts of the world. Some enter illegally on tourist or student visas, and then disappear into the population when their visas expire. Others, like the Cuban "boat people," enter the U.S. without government approval, but claim they are political refugees. Those officially recognized as refugees are allowed to remain in the U.S. and become citizens.

Sometimes there is a fine line drawn between refugees and illegals. The difference depends on the official attitude of the United States toward the country the immigrant comes from. For example, individuals fleeing Communist countries and coming to America, even illegally, are almost always allowed to stay as political refugees. On the other hand, the Salvadorians who died last summer in the Arizona desert after fleeing their violent homeland would probably have not qualified as refugees since the United States currently supports the government of El Salvador.

Mexicans make up the single largest group of illegal aliens currently coming into the United States. About 3,000,000 of them are probably living in the U.S. today. However, many of these illegals remain in this country only temporarily. They usually get an unskilled, low paid job which does not last very long. Once the job is over, they often return to Mexico. Wayne Cornelius, a political science professor at the University of California at San Diego, claims that the average stay of Mexican illegals is around six months. Of course, some remain for much longer periods of time, while others are caught and deported. In 1979, just over one million persons, the majority of them Mexican, were arrested by immigration officers.

Why Do They Come?

Luis Gomez (not his real name) lives alone in a rented trailer in Houston, Texas. Gomez, who is 39, has a family now living just over the Texas border in Mexico. He and his family have at different times lived together and apart in both the U.S. and Mexico. As a Mexican citizen, Gomez has come to the U.S. illegally several times. The last time, he had a false birth certificate which cost him $60. At home in Mexico, the most he could earn would be about $50 a week. In Houston, he works as a painter's helper for $200 a week. To Luis Gomez, it makes a lot more sense for him to work in Houston. To do so he must illegally cross the U.S.-Mexican border, a factor less important to him than the welfare of his family.

Like Luis Gomez, thousands of Mexicans, some with their families, cross illegally into the U.S. each year looking for work. They come because they are driven to do so by the conditions in Mexico. The population is increasing rapidly. It is expected to grow from 60 million to 130 million between 1975 and the year 2000. Currently, the unemployment rate in Mexico ranges between 25% to 50%. Of those who do find jobs, 60% work for very low wages. In numerous rural villages, and in squatter slums outside the major cities of Mexico, poverty threatens the survival of many families.

The realities of international economics have contributed to the plight of many Mexicans. For example, much of the land previously used to grow food for Mexico's increasing population is now used to grow money crops–vegetables for export to the United States. As a result, large quantities of basic foods like beans are imported at high prices. The laborers on the big farms growing these export crops have been replaced by machinery. Unemployed farm workers and their families therefore drift to the big city slums. Many decide to join the thousands of illegals crossing the border into the U.S. in search of work.

Under the current U.S. immigration law, only 20,000 Mexicans may legally immigrate into this country each year. However, there is a two-year waiting list. In order to even get on the list, a Mexican must be a close relative to a legal resident in the U.S., a skilled worker or professional, or have a sponsor willing to provide financial support for up to five years. For many poor and unemployed Mexicans, these restrictions make it almost impossible to immigrate legally to the U.S.

Most Mexicans do not really want to immigrate to the U.S. permanently. They just want to get a job, make some money, and then return home.

How Do They Come?

Possibly as many as 3,000,000 people attempt to cross the U.S.-Mexican border illegally each year. At the busiest point, from Tijuana into the U.S., up to 3,000 illegals attempt to slip over the border every night. The Border Patrol estimates that only one-third of these people are caught.

A "war zone" of sorts exists along the border where government agents use helicopters with search lights and electronic sensors planted on canyon paths to detect the illegals. Thousands are arrested, deported, and arrested again in attempts to reach temporary safety within the U.S.

Smuggling illegals into the United States is a big business along the Mexican border. In the Tijuana area just south of San Diego, 100 organized bands with 15,000 "guides" take in millions of dollars a year. Many trying to cross into the U.S. learn that their chances of making it are much better if they pay someone to smuggle them in. "Amateurs" attempting to enter the U.S. on their own are more often than not caught by the U.S. Border Patrol.

The smugglers call the illegals *pollos,* or "chickens." The smugglers themselves are called *polleros,* or "chicken handlers." The going rate for each "chicken" is $200 to $500. A "guide" taking a small group of illegals over the border may earn up to $6,000 for one crossing. Hundreds of others are employed to recruit illegals, prepare false documents, and drive the "chickens" to their destinations.

The *polleros* have organized a system of transportation, hideouts and bribery which enables them to move a steady stream of illegals into the United States. With their "guides," the illegals walk, swim or are driven into the country. A few are even transported by boat or airplane.

Some illegals pay the smugglers in advance, often with money borrowed from a village loan shark in Mexico. If they are caught, there are no refunds. Most, however, promise to pay after getting a job in the U.S. If they fail to do this, the smuggler merely phones their names to the U.S. Immigration and Naturalization Service (called *La Migra* by the illegals).

Sometimes "guides" abandon illegals in the desert when they are injured or become ill. Other times Mexican bandits rob, rape or murder them. Yet, they still come, driven by the desire to help themselves and their families survive.

There are nine Border Patrol stations along the 1,952 mile boundary separating Mexico from the United States. Border Patrol officers are responsible for stopping aliens from illegally coming into the country. Trials for the many thousands who are caught would cause a tremendous burden on the federal court system. Consequently, most illegals are detained and then deported by simply being bused back across the border. Quite often, they try again to cross into the U.S. within a few days. Obviously, this situation has made the job of the Border Patrol an impossible one, and very frustrating.

What Effect Do They Have On The Economy?

There is little doubt that the main reason most Mexican illegals come to the United States today is to work and make money. Most are not interested in welfare, union membership or becoming citizens. The majority stay until their jobs end or they save a certain amount of money. Then, they return to Mexico.

While they are in this country, illegal aliens and their families are unlikely to use American social services because of the fear of being reported. In a study completed by the U.S. Department of Labor, few illegals benefitted from hospitalization (27%), unemployment insurance (4%), food stamps (1%), or welfare (0.5%).

On the other hand, over 70% paid Social Security and federal income taxes. Illegals also contribute to local and state income, property and sales taxes. In San Diego County, local officials estimated in 1979 that illegal aliens there benefitted from $2 million worth of social services. But, illegals paid nearly $50 million in taxes.

It has been clear for a long time that many American employers need and depend on illegal alien labor. At the present time, while it is against the law for illegal aliens to seek jobs in the U.S., it is not unlawful for an employer to hire them. One Houston building contractor recently told the New York *Times:* "If you took all the Mexicans out of Houston and sent them back, the ecohomy of the city would be crippled." Employers like this contractor argue that illegals are willing to work for low wages in jobs which would not even exist at the higher rates of pay demanded by American workers. An estimated 25% of illegal workers are employed for less than the minimum wage. Throughout much of the country, ranks of crop pickers, ditch diggers, busboys, dish washers, parking lot attendants, hotel maids, and workers in clothing factories are filled with illegal aliens.

Some employers say that they prefer illegal alien workers because they are willing to work for lower wages, and they seldom complain about working conditions or demand their legal rights. For example, illegals harvesting crops in hot dusty fields rarely protest when they are not provided with fresh water or clean toilets. Obviously, employers of illegal workers like them, because they can be easily exploited or cheated. Some employers have been known to refuse to pay their illegal alien workers, knowing that they would be afraid to report this for fear of being turned in to the immigration service.

Perhaps the greatest worry Americans have about illegal aliens is the belief that they take jobs away from U.S. citizens. There is a great debate among economists and others today over this issue. No hard statistics have been produced which show how seriously American workers are hurt by illegal aliens taking jobs they could fill.

Some experts believe that illegal alien workers generally take hard, low-paying jobs that most Americans turn down. The former Commissioner of the Immigration and Naturalization Service, Lionel Castillo, has stated that he believes illegals create jobs and thus benefit the economy. "Some individual workers get hurt . . ." he said, "But as a country, our economy is strengthened . . ."

Secretary of Labor Ray Marshall, however, disagreed with Castillo. Marshall is convinced that illegal immigration "hurts American workers (especially) minorities, women and young people."

An illegal alien worker recently told a reporter for the Los Angeles *Times* that he felt anger directed against him from American workers. "Their anger hurts," he said, "but we have no choices. Our families must live too."

T. Clark and M. Croddy, *Bill of Rights in Action,* (Los Angeles: Constitutional Rights Foundation, March 1981).

What Should Be Done?

Most Americans believe that something should be done about the massive illegal border crossings from Mexico, but so far little has been accomplished. One reason for the inaction is that Mexican workers not only benefit themselves and their families, but also certain employers in this country. Nevertheless, numerous proposals have been made to deal with this unique problem. They are outlined below.

1. *Border Fence:*

In 1979, construction started on a fence along a major illegal alien border crossing area near El Paso, Texas. Another fence was begun south of San Diego. The multi-million dollar chainlink fences are nine to ten feet high. The original design called for punched-out metal with edges sharp enough to slice off fingers and toes. This design was abandoned after protests by Mexican-American organizations. Called the "Tortilla Curtain," the fences have not even been completed, yet parts of them have already been ripped down. In places, holes have been cut big enough to drive a vehicle through. To be effective, the fences would have to be constantly guarded by perhaps thousands of Border Patrol officers or even soliders.

2. *Carter Plan:*

In 1977, President Carter made a three-part proposal to try to solve the illegal alien problem. First, "undocumented aliens" arriving in the U.S. before 1970 would be allowed to stay in the U.S. as "permanent residents." Second, those who entered the U.S. between 1970 and 1977 would be granted "working status" for five years before they would have to leave the country. Third, employers hiring illegals after 1977 would be fined $1,000 for each worker they employed. This plan died in Congress.

3. *Right To Work:*

What do the illegals themselves think should be done? In 1980, two California sociology professors, Dr. Reynaldo Baca and Dr. Dexter Bryan, reported their findings in a study they conducted which involved interviews of illegal alien workers from Mexico. Baca and Bryan found that most illegals they interviewed did not want to stay in the United States permanently. They wanted to have "permanent resident" status in the U.S. which would allow them to live and work both in this country and in Mexico. This would also enable them to qualify for certain "residency rights" such as schooling for their children, medical services, and unemployment benefits.

4. *"Guest Workers":*

Recently, a proposal has been made to recruit and import a certain number of Mexican workers each year, as needed, to fill unskilled and low-paying jobs. Each Mexican worker would be granted a six-month work permit and be allowed to move from job to job during the time of the permit. A major part of the money earned by these workers would be withheld. It could be collected only after they returned to Mexico. This plan is supported by some U.S. employers, but labor unions are critical of it. They say that this plan is similar to the "bracero" program. For over twenty years, this program allowed Mexicans to work temporarily in the U.S. for low wages. Labor leaders opposed this program at the time because they claimed it kept wages down and put Americans out of work. The bracero program ended in 1964. Some believe that the massive illegal border crossing problem was a direct result of its discontinuance.

5. *Aid To Mexico:*

Others who have studied the illegal alien situation believe that something should be done to eliminate the basic cause of the problem: the poor economic conditions in Mexico. These experts propose that the U.S. should substantially increase economic aid to Mexico, enabling it to put more of its own people to work at better wages.

T. Clark and M. Croddy, *Bill of Rights in Action,* (Los Angeles: Constitutional Rights Foundation, March 1981).

A Simulation: The President's Commission

Presidential Commission on Illegal Aliens

1. What should the United States do about the illegal alien problem? In this role playing activity your class will have an opportunity to come up with its own solution.

2. After the class has read the article on illegal aliens, form the following role groups:

Employers of Illegal Aliens:
You claim that you need a supply of unskilled laborers willing to work at hard jobs for low wages. You say it is difficult to get Americans to take such jobs.

Labor Unions:
You are convinced that illegal alien workers take jobs away from Americans and keep wages low.

Border Patrol:
You are frustrated over the fact that the U.S.-Mexican border is like a revolving door. Border Patrol officers arrest thousands of illegal aliens. Often they are merely deported only to try again.

Illegal Aliens:
You are a group of Americans who sympathize with and represent illegal aliens. Your position is that aliens do not want to break American laws by crossing the border unlawfully. But, they are driven to do so by their desperate need to support their poverty-stricken families.

President's Advisor:
One student should be selected to represent the President who wants to develop an effective plan for dealing with the alien problem. You have no position, but will act as chairperson of the Commission. Your job is to put together a plan which all members of the Commission can support and recommend. If the Commission is divided at the end of its meeting, you will make your own recommendation to the President.

3. Each of the four role groups should review the proposals listed in the last section of the article on illegal aliens. Then, every group should review the article on illegal aliens to gather facts which support their proposal.

4. After all the role groups have prepared their proposals, a spokesperson for each one should orally present his or her group's plan to the others on the Commission.

5. Following each spokesperson's presentation, the other members of the Commission, as well as the President's Advisor, may ask questions or argue with the group's report.

6. When all four groups have finished making their reports, the President's Advisor will conduct a vote to decide on one proposal to recommend to the President. Each group has one vote. If a majority fails to support any of the proposals, the President's Advisor will decide on his/her own recommendation to the President based on the Commission's discussions and announce it.

7. When the role playing simulation has ended, the class as a whole should discuss the merits and disadvantages of the proposal which was finally adopted.

Shared Global Problems

"... 250,000 people in Calcutta ... simply live in the streets." *Wide World*

Global Deadlines

Find out more about each of the following world-wide concerns and then list them in the order you think they must be dealt with. In other words, which of the concerns has the most immediate deadline?

Concerns:

1. The stripping away of the ozone layer of the atmosphere by the use of aerosol cans.
2. The destruction of whales.
3. The control of nuclear arms.
4. The very rapid growth of world population.
5. The lack of food to feed the people of the world.
6. The poor conditions in which many of the people in the world must live.
7. The pollution of streams and rivers.

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Survey Questionnaire on Global Development

Attitudes

For numbers one through seven, please write "agree" or "disagree" in the blank on the right.

1. People are poor because they ae lazy. .....

2. Most Americans have an accurate idea of how Africans live. .....

3. If poor nations would adopt the United States economic and political systems of capitalism and democracy, they would develop more rapidly. .....

4. The United States government should spend more to help developing countries. .....

5. Poverty in the United States and poverty in the developing countries of the world are not really related in any way. .....

6. If developing countries would adopt a Communist Chinese economic and political system, they would develop more rapidly. .....

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7. Discrimination and oppression cause poverty around the world. .....

8. Write the first five words that come to your mind when you hear the word "poverty." .....
.....
.....

9. The major problems in the world for the rest of this century will be: (choose three) shortage of food, pollution, weapons race, future shock, inflation, disease, over-population, unemployment, energy crisis, war, widening rich-poor gap, urban slums, other. .....
.....
.....

10. Check the two statements which come closest to your thinking.

a. The problem of world poverty is so enormous and complex I don't see how my life or my efforts will really make much difference.	a. ( )
b. The problem of world poverty is my problem, since the future of my life is tied to the lives of all other people on earth.	b. ( )
c. The problem of world poverty is solvable, and my responsibility is to do everything possible to get people and governments to practice the solutions.	c. ( )
d. The problem of world poverty is mostly a problem of foreign countries, and it will have little effect on my life as a citizen of the United States.	d. ( )
e. The problem of world poverty is so urgent that I can't wait to know all I need to know before I take action to combat poverty.	e. ( )

Interdependence Curriculum Aid. (Philadelphia: The World Affairs Council of Philadelphia, 1976) p. 37.

Living on Less than $200 a Year

To begin to understand economic development we must have a picture of the problem with which it contends. We must conjure up in our mind's eye what underdevelopment means for the two billion human beings for whom it is not a statistic but a living experience of daily life. Unless we can see the Great Ascent from the vantage point of those who must make the climb, we cannot hope to understand the difficulties of the march.

It is not easy to make this mental jump. But let us attempt it by imagining how a typical American family, living in a small suburban house on an income of six or seven thousand dollars, could be transformed into an equally typical family of the underdeveloped world.

We begin by invading the house of our imaginary American family to strip it of its furniture. Everything goes: beds, chairs, television set, lamps. We will leave the family with a few old blankets, a kitchen table, a wooden chair. Along with the bureaus go the clothes. Each member of the family may keep in his "wardrobe" his oldest suit or dress, a shirt or blouse. We will permit a pair of shoes to the head of the family, but none for the wife or children.

We move into the kitchen. The appliances have already been taken out, so we turn to the cupboards and larder. The box of matches may stay, a small bag of flour, some sugar and salt. A few moldy potatoes, already in the garbage can, must be hastily rescued, for they will provide much of tonight's meal. We will leave a handful of onions, and a dish of dried beans. All the rest we take away: the fresh vegetables, the canned goods, the crackers, the candy.

Now we have stripped the house: the bathroom has been dismantled, the running water shut off, the electric wires taken out. Next we take away the house. The family can move to the toolshed. It is crowded, but much better than the situation in Hong Kong, where (a United Nations report tells us) "it is not uncommon for a family of four or more to live in a bedspace, that is, a bunk bed and the space it occupies–sometimes in two or three tiers–their only privacy provided by curtains.

But we have only begun. All the other houses in the neighborhood have also been removed; our suburb has become a shantytown. Still, our family is fortunate to have a shelter; 250,000 people in Calcutta have none at all and simply live in the streets. Our family is now about on a par with the city of Cali in Columbia, where, an official of the World Bank writes, "on one hillside alone, the slum population is estimated at 40,000–without water, sanitation, or electric light. And not all the poor of Cali are as fortunate as that. Others have built their shacks near the city on land which lies beneath the flood mark. To these people the immediate environment is the open sewer of the city, a sewer which flows through their huts when the river rises.

And still we have not reduced our American family to the level at which life is lived in the greatest part of the globe. Communication must go next. No more newspapers, magazines, books–not that they are missed, since we must take away our family's literacy as well. Instead, in our shantytown, we will allow one radio. In India, the national average of radio ownership is one per 250 people, but since the majority of radios is owned by city dwellers, our allowance is fairly generous.

Now government services must go. No more postman, no more fireman. There is a school, but it is three miles away and consists of two classrooms. They are not too overcrowded since only half the children in the neighborhood go to school. There are, of course, no hospitals or doctors nearby. The nearest clinic is ten miles away and is tended by a midwife. It can be reached by bicycle, provided that the family has a bicycle, which is unlikely. Or one can go by bus–not always inside, but there is usually room on top.

Finally, money. We will allow our family a cash hoard of five dollars. This will prevent our breadwinner from experiencing the tragedy of an Iranian peasant who went blind because he could not raise $3.94 which he mistakenly thought he needed to secure admission to a hospital where he could have been cured.

Meanwhile the head of our family must earn his keep. As a peasant cultivator with three acres to tend, he may raise the equivalent of $100 to $300 worth of crops a year. If he is a tenant farmer, which is more than likely, a third or so of his crop will go to his landlord, and probably another ten percent to the local money lender. But there will be enough to eat. Or almost enough. The human body requires an input of at least 2,000 calories to replenish the energy consumed by its living cells. If our displaced American fares no better than an Indian peasant, he will average a replenishment of no more than 1,700 to 1,900 calories. His body, like any insufficiently fueled machine, will run down. That is one reason why life expectancy at birth in India today averages less than forty years.

But the children may help. If they are fortunate, they may find work and thus earn some cash to supplement the family's income. For example, they may be employed as are children in Hyderabad, Pakistan, sealing the ends of bangles over a small kerosene flame, a simple task which can be done at home. To be sure, the pay is small: eight annas–about ten cents–for sealing bangles. That is eight annas per gross bangles. And if they cannot find work? Well, they can scavenge, as do the children in Iran who in times of hunger search for the undigested oats in the droppings of horses.

And so we have brought our typical American family down to the very bottom of the human scale. It is, however, a bottom in which we can find, give or take a hundred million souls, at least a billion people. Of the remaining billion in the backward areas, most are slightly better off, but not much so; a few are comfortable; a handful rich.

Of course, this is only an impression of life in the underdeveloped lands. It is not life itself. There is still lacking things that underdevelopment gives as well as those it takes away: the urinous smell of poverty, the display of disease, the flies, the open sewers. And there is lacking, too, a softening sense of familiarity. Even in a charnel house life has its passions and pleasures. A tableau, shocking to American eyes, is less shocking to eyes that have never known any other. But it gives one a general idea. It begins to add pictures of reality to the statistics by which underdevelopment is ordinarily measured. When we are told that half the world's population enjoys a standard of living "less than $100 a year," this is what the figures mean . . .

R. L. Heilbroner, *The Great Ascent: The Struggle for Economic Development in Our Time*, (New York: Harper & Row, Inc., 1973) pp. 33–37.

Comparing Nations

Country	% of population living in urban areas	per-capita annual income (in U.S. $$)	annual energy production (in metric tons)	number of passenger vehicles	population per physician
A	73.5	$7,087	2,036,000,000	100,000,000	622
B	40.6	$ 978	160,000	55,000	2,150
C	81.4	$8,349	8,000,000	2,700,000	645
D	9.9	$ 234	80,000	131,000	16,292
E	20.0	$ 137	114,000,000	756,000	4,162

Source: *World Statistics in Brief* (United Nations, 1977). Data are for 1975.

Questions

1. Of the five countries, which one do you think is the most modern? Why? In what part of the world do you think it is located? Why?

2. Which nation do you think is the least modern? Why? In what part of the world do you think it is located?

3. Rank the five countries in order from most modern (#1) to least modern (#5). Explain your reasoning.

4. What additional kinds of information about each country would help you assess its degree of modernization?

K. A. Switzer and P. T. Mulloy, *Global Issues*, (Boulder: Social Science Education Consortium, Inc., 1979) Handout #4B.

International Law: A Global Connection

Did Law Keep the Skipper from Shooting?

On February 27, 1968, three crewmen of a Cuban ship locked up the rest of the crew while the vessel was anchored 10 miles off the coast of Norfolk, Va.

The three rebellious crewmen radioed the United States Coast Guard, and asked for political asylum. The Coast Guard sent a cutter, the *Point Brown*, to the scene.

While the *Point Brown* stood by 300 yards away, the three Cubans sought to make good their escape to the United States in a lifeboat. But the crew of the Cuban ship soon got free. The Cuban ship pursued the lifeboat and rammed it.

Meanwhile the captain of the *Point Brown* ordered his 81-millimeter gun uncovered in preparation for action. The Cuban ship rammed the lifeboat a second time. Still the Coast Guard captain made no move.

After the second ramming, the captain received orders to "take all necessary steps" to see that the Cuban vessel did not crash into the lifeboat a third time. By this time, however, the three Cuban crewmen had been caught and dragged aboard the Cuban ship.

Did fear of violating international law keep the skipper from rescuing the three Cuban refugees?

When asked later why he did not intervene, the skipper of the *Point Brown* explained that the Cuban vessel had been in international waters, that is, beyond the 3-mile territorial limit of the United States.

The rules of international law, such as those determining sea limits, are established in a variety of ways. Some of the major sources are:

Treaties:
The Test Ban Treaty of 1963 is one example. The United States is party to about 8,000 treaties, or formal written agreements, with other nations.

Custom:
After long use, certain international practices become established and generally accepted by nations. Diplomatic immunity, or protection of diplomats from physical harm or prosecution under most laws of the host nation, developed from custom.

Decisions of the International Court of Justice (or World Court):
As the leading formal agency of international law, the World Court reflects the various legal traditions of the world. In one major case (the Corfu Channel case), for example, the Court declared that freedom of the seas extends to sea channels used for international navigation.

United Nations Pronouncements:
The General Assembly of the United Nations, representing most of the world's nations, may pass resolutions to uphold certain principles, which can acquire the force of law.

But, many people ask, how strong and effective is the law rising from these sources? What's to prevent "gangster" nations from tearing up or ignoring treaties? What nation faced with a "life-or-death" crisis wouldn't violate a United Nations resolution in order to protect its vital interests?

Others respond by saying that nations would be less ready to violate international law if the U.N. had more enforcement power; that domestic law is also violated (eg., by states' rights advocates); and that much international law *is* obeyed.

International law represents an effort to put all nations, large and small, on an equal basis in the settling of disputes. Ideally, disputes would be settled impartially according to established rules, the victor being the nation with the most legally justifiable position. Politics and diplomacy represent more of a reliance on the threat of military, political, and economic force.

Law and diplomacy as methods of resolving disputes between nations, however, raise a number of important questions:

- What is the difference between law applied *within* nations and law applied *between* nations?
- To what extent should basic human rights be protected by international law and legal institutions?
- Should international courts and other international institutions be strengthened to deal with disputes between nations?

What can the individual do about international problems in a world where nations seem to bear the main responsibility for change?

D. W. Oliver and F. M. Newmann, *Diplomacy and International Law*, in series Public Issues Series/Harvard Social Studies Project, (Middletown, Connecticut: Xerox Corporation, 1970), pp. 4–5.

What Are Human Rights?

For over a decade the Constitutional Rights Foundation has helped teachers and students explore the legal system within the United States. In this issue of *Bill of Rights in Action*, however, we have chosen to focus on a very important *international* topic: human rights. We hope that in studying about the state of human rights throughout the world today students will gain a different perspective of their own American Bill of Rights and legal system. Moreover, students should also see that the United States, despite its faults and injustices, is fortunate to be one of the few countries in the world today where the rule of law is truly valued.

What are human rights? Following the horror of World War II, most of the nations of the world saw the need for a basic statement of rights for all peoples of all nations. In 1948, the *Universal Declaration of Human Rights* was adopted by the United Nations. Although at the present time most of the nations of the world have agreed to this document, few actually act on it. Consequently, the overwhelming human rights challenge of the remainder of this century is to get all the world's nations to abide by its provisions. Below is a list of excerpts from this remarkable, but as yet unfulfilled, document.

Universal Declaration of Human Rights

1. All human beings are born free and equal in dignity and rights.
2. Everyone has the right to life, liberty, and the security of person.
3. No one shall be held in slavery. . . .
4. No one shall be subjected to torture

or to cruel, inhuman, or degrading treatment or punishment.

5. All are equal before the law and are entitled without any discrimination to equal protection of the law.
6. No one should be subjected to arbitrary (without regard for fair rules) arrest, detention, or exile.
7. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal (court). . . .
8. Everyone charged with a penal offense (punishable crime) has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
9. No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation.
10. Everyone has the right to freedom of movement and residence within the borders of each State (nation).
11. Everyone has the right to leave any country, including his own, and to return to his country.
12. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
13. Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family.
14. The family is the natural and fundamental group of society and is entitled to protection by society and the State.
15. Everyone has the right to own property. . . .
16. Everyone has the right to freedom of thought, conscience, and religion. . . .
17. Everyone has the right to freedom of opinion and expression. . . .
18. Everyone has the right to freedom of peaceful assembly and association.
19. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . .
20. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
21. Everyone, without any discrimination, has the right to equal pay for equal work.
22. Everyone who works hasthe right to just and favorable remuneration (pay).
23. Everyone has the right to form and to join trade unions for the protection of his interests.
24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. . . .
26. Motherhood and childhood are entitled to special care and assistance.
27. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.
28. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

The following activity may be completed by students individually or in small groups.

1. The rights listed above in the *Universal Declaration of Human Rights* may be divided into four categories: fundamental, political and civil, economic, and social. *Fundamental Rights* have to do with the value and dignity of human life as well as freedom from physical mistreatment and forced labor.

Political and Civil Rights have to do with freedom of expression, choice, religion, privacy, and the right to be treated equally and fairly by government.
Economic Rights have to do with property and work rights as well as the right to have adquate food, clothing, shelter, and medical care.
Social Rights have to do with family, educational, and cultural rights.

On a sheet of paper make four columns headed by the four categories of rights defined above. Below each heading copy the rights from the *Universal Declaration of Human Rights* which fit the category. Refer to the category definitions above as you complete this task.

2. After completing part one of this activity your teacher may wish to hold a general class session to find out how students categorized the rights in the *Universal Declaration of Human Rights*. In a few cases specific human rights might fit logically into more than one category.
3. Next, study the llst of rights you have written down under each of the four categories. Rank order the rights in *each* of these four lists, starting with the right you consider to be least important and ending with the right you consider to be most important. Circle the right you have ranked no. 1 in each of the four category lists. You have now identified what you consider to be the most important right in each of the four categories.
4. Again, your teacher may want to have a class discussion at this point to find out which rights the students in your class feel are the most important in each of the four human rights categories. Be prepared to give reasons for your four no. 1 choices. Looking at these four no. 1 choices, do you think some are more important than others? Or, do you think they are all equally important?
5. If instructed to do so by your teacher, choose *one* of the human rights you have ranked as no. 1 in the four category lists, and write a paragraph explaining why you feel it is important.

Vocabulary List

The words listed below are used in this issue of *Bill of Rights In Action*. Students could be assigned to look up these words in the dictionary, write definitions of them, and then be quizzed on their meaning.

1. arbitrary
2. extermination
3. tribunal
4. genocide
5. convention
6. immigration
7. emigration
8. dissent
9. dissident
10. exile
11. non-conformist
12. persecution
13. dictatorship
14. martial law
15. truncheon
16. amnesty
17. repression
18. regime
19. decree
20. notorious
21. purge
22. refugee
23. deportation
24. rights

T. Clark and M. Croddy, *Bill of Rights in Action*, (Los Angeles: Constitutional Rights Foundation, February 1980), pp. 4–5.

What Can Be Done to Protect Human Rights?

What Individuals Can Do

In today's complicated world, a single individual may feel powerless to achieve anything important. Yet it is amazing how much one person can do–if she or he is determined enough.

In the 1950s, black people who lived in the southern part of the United States lived under Jim Crow laws. These laws segregated black people from white people. Blacks were required by law to eat in separate restaurants, to go to separate schools, to drink from separate drinking fountains. In courtrooms they were required to swear oaths on separate Bibles.

Segregation was even evident on city buses. There were no black drivers. The white men who drove the buses often were polite to black passengers, but sometimes they were not. Many blacks reported paying their fares at the front door of the bus and then being told to reboard the bus at the rear door. It was not unusual for a bus driver to pull away before black passengers had time to reach the rear door.

Even when blacks did board a bus, they could not sit in certain seats labeled "whites only." Blacks could sit only in the rear section marked "colored." If the "whites only" section filled up, the drivers would ask black passengers to stand so that the white passengers could be seated. If a black person refused to stand up, he or she was arrested.

These were the conditions in Montgomery, Alabama, on December 1, 1955, when Rosa Parks, a seamstress in a large department store in Montgomery, boarded a city bus. She sat in the first seat of the "colored" section. As the bus proceeded along its route, all the seats filled up.

Several more white passengers boarded the bus. As was the custom, the driver pointed to the section in which Mrs. Parks was sitting and said, "Let me have those seats." This time, however, none of the blacks, including Rosa Parks, moved. "You better make it light on yourselves and let me have those seats." Three of the other black passengers moved to the back of the bus.

Rosa, however, refused to move. She was weary from her hard day's work at the department store, and from the years of humiliation she had experienced. She stayed in her seat. The driver then got off the bus and called the police.

When the police arrived, Rosa asked them, "Why do you push us around?"

"I don't know," said the officer, "but the law is the law and you're under arrest." Rosa was then arrested, fingerprinted, and charged with violating the city's segregation law.

When word of her arrest spread through the city, the black community began to act. Led by local college students and several ministers, including Martin Luther King, Jr., and Ralph Abernathy, blacks agreed to stay off the buses on the day of Rosa's trial.

Thus began the action that became known as the Montgomery bus boycott. Black people stopped riding the city's buses. People organized car pools. Many walked great distances to work.

Because the bus company lost 65 percent of its business, it had to cut back its schedule and lay off drivers. Finally it stopped running entirely. The business of white storekeepers suffered. The city of Montgomery had become a non-violent battleground for human rights.

In November of 1956, the Supreme Court of the United States ruled that bus segregation violated the United States Constitution. The Montgomery bus company then agreed not only to end segregation but also to hire black drivers and to treat all passengers with equal respect.

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1. What do you think Rosa Parks might say if someone asked her to explain why she refused to move from her seat?
2. What human rights were violated in this instance?
3. What methods did Rosa Parks and others use to protect the rights of blacks in Montgomery?
4. Do you consider these methods effective? Why or why not?

Individuals can often draw attention of the news media to violations of human rights. Archbishop Camara, an active critic of Brazilian government and society, has done this in his country. He and his supporters have worked to help the poor of Brazil to help themselves:

Recife, Brazil
November 11, 1973

The Most Rev. Helder Camara, the outspoken Archbishop of Olinda and Recife, appears to be living under continual police harassment.

The 64-year-old Archbishop, known to his parishioners as O Velho (The Old Man), is subjected to phone tapping and raids on his office in this state capital in the poor northeast of Brazil. Associates of his have been arrested.

But the Archbishop says: "What hurts me is that they are not doing anything to me and they probably never will. They just persecute and arrest my friends and hope I will desist. But I cannot, never."

Archbishop Camara, small and frail, wears a wooden cruifix instead of the golden cross of his office. He left the Archbishop's palace to live in a simple room at the back of a church.

He spends much time taking his helpers by foot or in a van across town to prevent their arrest or harassment.

Six of his closest associates in a rural campaign called "Operation Hope," intended to show the poor how to help themselves, have vanished without trace recently. The Archbishop says that three others reappeared, shocked and dazed, after being picked up by secret police.

"Their aim is to force me to give up," he said. "But I will not, as much as it pains me to see all my friends being picked up one by one."

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1. What human rights are being violated in this instance?
2. What methods is Camara using to achieve human rights?
3. Camara says, "What hurts me is that (the police) are not doing anything to me and they probably never will. They just persecute and arrest my friends." Why do you suppose the police do not do anything to Camara?
4. Do you think that Camara sees a conflict between two values–the human rights of the poor and the safety of his friends? Do you believe that he made the right decision? If you faced a similar value conflict, how would you decide?

What Private Groups Can Do

Most individuals, of course, do not act alone in the cause of human rights. Many join organizations to increase their effectiveness. In the United States, for example, there are many private groups devoted to problems of human rights. These include organizations such as the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the National Council of Churches.

Some activities of the National Council are described in the following statement made in January 1974 by a Council leader:

United States Churches have long been concerned about the oppression of millions of black people by a white minority in Southern Africa. We have spoken out against apartheid in South Africa, colonialism in Angola, Mozambique and Guinea-Bissau, the illegal declaration of independence in Rhodesia and the illegal occupation of Namibia by South Africa.

United States Churches have joined in the fight for self-determination, independence and dignity for black people in Southern Africa. Many denominations have contributed funds to the humanitarian work of liberation movements fighting in Southern Africa. We have worked in Washington to change United States government policies which support white minority rule in Southern Africa. And today we announce another chapter in our pressure on United States corporations investing in Southern Africa.

We cannot ignore the call of our African brothers and sisters to struggle with them towards a better world in Southern Africa. Neither can we ignore the fact that American companies are deeply involved in these countries. They are profiting from these unjust systems.

American churches hold investments in these companies, investments which are vital to our continuing mission. But as investors, we feel we have a moral obligation to confront these companies about their involvement in Southern Africa. We believe that American corporations are no less obligated than ourselves to confront the grave ethical questions inherent in conducting business in oppressive societies.

Disclosure on South Africa

Last year, the Church Project announced that resolutions were filed with 11 companies asking for disclosure of the facts of their involvement in South Africa. Since that time, over half these companies negotiated with church representatives and agreed to issue comprehensive reports to every shareholder about their operations in South Africa under that country's apartheid system. We believe this is a small "victory." It is a recognition by these companies of the serious issues involved.

Resolutions on the Portuguese Colonies

We are also filing 3 resolutions this year with United States companies in the Portuguese colonies and one with a company investing in the Republic of Guinea-Bissau.

Many American churches, and the World Council of Churches, have been involved in providing humanitarian aid to the African liberation movements in the Portuguese colonies. We believe their struggle for independence is a just one and seek to find ways to end obstacles that block the road to independence. One major obstacle to the independence struggle in Angola and Mozambique is foreign investment, which provides tax monies, foreign exchange and moral support for Portugal's anachronistic colonial empire. The liberation movements have called upon these companies to withdraw from their nations.

This year a resolution has been filed with Texaco urging it to withdraw from Angola and with Bethlehem Steel urging it to pull out of Mozambique. It seems clear that an investment in the Portuguese colonies at this time can only strengthen Portugal which has over 150,000 troops in Africa fighting independence. This badly strains Portugal's budget and every dollar from an investor helps relieve that strain. It is a grave mistake for a United States company to line up with a Portuguese colonial system in Angola or Mozambique against the desires of the African people for independence.

Republic of Guinea-Bissau

The newest independent state in Africa is Guinea-Bissau on the West Coast of the continent. Just as in 1776 our country declared itself independent from Britain, so Guinea-Bissau declared its independence from Portugal in September 1973. The new Republic of Guinea-Bissau, under the leadership of the liberation movement PAIGC, is presently recognized by seventy-one nations around the world. The major investor in Guinea-Bissau is Exxon. Exxon has a contract with Portugal, but the National Assembly of the Republic, freely elected by the people of Guinea-Bissau for the first time in its history, has stated that foreign concessions, such as Exxon's with Portugal, are null and void, and should be brought before the Assembly for ratification.

Business in Namibia

South Africa is also a colonizer in Africa, in Namibia. The World Court has declared South Africa's occupation of Namibia illegal and condemned the extension of the infamous apartheid system to that territory. The United States government has supported the United Nations and the World Court in this decision. Our government's official policy is to discourage foreign investment in Namibia because of the support which this lends to South Africa. Yet 4 American oil companies are flouting that policy. They are prospecting for oil off the Namibian coast with concessions from the white South African administration.

These investments serve to strengthen South Africa's vested interest in Namibia. It is an investment in direct opposition to the position of the U.N., the U.S. government, and the interests of the black people of Namibia.

A resolution urging Phillips, Getty, and Standard Oil of California to withdraw from Namibia has been filed. Conversations are in progress with Continental Oil, another company involved in exploration activities, and it is likely that a similar resolution will be filed with them. Last year almost one share out of ten voted in favor of or abstained on this same issue at the Phillips and Continental shareholder meetings.

In addition, the major private employer in Namibia is owned by American mining companies managed by Newmont Mining. A resolution challenging Newmont to follow practices of equal employment opportunity in Namibia has been filed.

One other category of resolutions filed involves investment in South Africa's "border industries." South Africa's white government is increasingly concerned about the concentration of African workers in that country's cities. The government is encouraging companies to move to so-called "border areas" on the edge of arid, often uninhabitable tribal reservations, called Bantustans. The government is offering incentives to invest in these areas, such as an exemption from even minimum wage restrictions. Foote Mineral Company of Philadelphia and Alcan Ltd. of Canada have announced plans for a joint investment in such a border area. In consultation with Canadian denominations, a resolution has been filed with both these companies requesting them to immediately cancel these plans.

1. What methods is the National Council of Churches using to help protect human rights?
2. Do you consider these methods effective? Why or why not?

In 1974 the decades-old dictatorship in Portugal was overthrown by a more liberal regime. As this book was going to press, the new Portuguese government announced that it had agreed to grant independence to the Republic of Guinea-Bissau. Many observers considered the Portuguese announcement a face-saving formality, since the new nation had already been formally recognized by over 100 countries.

Sometimes groups of private citizens join together with similar groups in other nations to work on problems of common concern. Examples of such groups are the Boy Scouts, the World Council of Churches, and Amnesty International.

Amnesty International was founded to carry out some of the aims of the Universal Declaration of Human Rights, specifically Articles 5, 9, 18, and 19. (See Appendix A.) The organization has official advisory status with UNESCO, the U.N. Human Rights Commission, the Organization of America States (OAS),

and the Organization of African Unity (OAU). This status gives Amnesty the right to have its observers attend debates, and provides a direct channel for making its views known to these organizations.

Amnesty has about 35,000 members in 60 countries. They work for the release of "prisoners of conscience" in many parts of the world. Amnesty International defines prisoners of conscience as "individuals imprisoned for their political beliefs, religion, race, or ethnic background who have not used or advocated violence."

Amnesty International's research department tries to make sure that the persons they hope to help are really prisoners of conscience and not ordinary criminals.

Amnesty learns about prisoners of conscience mainly through newspapers, radio, and television. They also get reports from exiles who have had to leave their own countries for political reasons and from newsmen and travelers.

Groups of private citizens working with Amnesty International usually concentrate on three prisoners at a time: one in a Communist country, one in a right-wing dictatorship, and one in a country which falls into neither of those categories.

Most of the pressure exerted by Amnesty comes through private correspondence. Members of Amnesty constantly write letters and postcards to the officials of the government of a country holding a prisoner of conscience. They ask that the prisoner be set free or at least be given a fair trial or a reduced sentence. They try to continue this correspondence until they get some response.

Since governments may wish to forget their political prisoners, Amnesty constantly reminds them of the plight of these individuals. In addition, the prisoners often learn that they are not forgotten or abandoned by their fellow human beings.

Amnesty groups may publicly dramatize the cases of their "adopted" prisoners through letters to the editor, fund-raising campaigns, appeals to embassies, cables to heads-of-state, or posters in airports. Sometimes Amnesty sends observers to investigate special problems:

United Nations, New York
January 19, 1974

Amnesty International contends that political arrests and executions are continuing in Chile under the military junta that seized power last September.

Killings are fewer and torture seems less widely used than in the period immediately after the coup d'etat, the organization said in a report yesterday, but many hundreds are still being held in prison without trial.

Contrary to statements by Chilean officials, it declared, "there is substantial evidence of a persistent and gross violation of the most fundamental human rights."

The findings were based on a week's visit to Chile in November by an Amnesty team and were updated and supported, Amnesty said, by recent information reaching its headquarters in London. Amnesty is recognized at the United Nations as an accredited organization and frequently submits data on political prisoners.

In this case, Amnesty submitted a report to the U.N. Can you think of other ways in which private agencies could help public organizations to protect human rights?

This unofficial pressure by concerned persons has resulted in the freeing of many political prisoners and in improving the situations of many more. In twelve years Amnesty has worked on behalf of more than 13,000 prisoners of conscience. Of these, 7,500 were released from prison.

Amnesty believes it is important to keep up a barrage of complaints to the governments involved. The results of one recent barrage are described in the following article:

A group of high school students in Northport, New York, engaged in a special celebration in their social-studies class. The occasion was the release of Helga Petschik from an East German jail where she had served several years as a "prisoner of conscience." A student who participated in the class's card campaign described the experience: "I wrote for the release of Dr. Helga Petschik, and she was recently released. Whether or not my letter helped, it made me feel good knowing that I might have helped, even a little."

The class is a membership group of Amnesty International, an organization which tries to help political dissenters. They had written letters on behalf of this "prisoner of conscience" for over a year.

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1. What effect do you believe the students' letters had on the East German government?
2. What values have these students demonstrated?
3. How would you explain the success of Amnesty's tactics?

J.R. Fraenkel, M. Carter, and B. Reardon, *The Struggle for Human Rights,* in series *Perspectives in World Order,* (New York: Random House, Inc., 1975) pp. 37–46. Printed with permission of: Institute for World Order, Inc., New York.

"We must learn to see others as they see themselves and view ourselves as others view us." An American woman, Sally Budd, marries an Indian Prince. *UPI*

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Cultural Contrasts

Imagine trying to describe your daily life to a being from another planet. Even if language were not a problem, you might have difficulty explaining why you say "excuse me" after a sneeze; why you pledge allegiance to a piece of red, white and blue cloth, why when a siren sounds we pull to the right of the road and stop. None of these things seem the least bit strange or exotic to you, but to a person from another world, each would be mysterious. You might even get quite frustrated at trying to explain something that seems so obvious. Yet, when confronted with the customs of another culture here on earth, we are often as mystified (and even repelled) as the alien being might be.

Each culture has its own beliefs, customs, and laws. They evolve to meet very real needs and serve particular purposes. When looking at the beliefs, customs and laws of another culture, it is important to try to see them from the viewpoint of the culture in question, not merely from the viewpoint of our own society. We must learn to see others as they see themselves and view ourselves as others view us. Without an appreciation for the similarities and differences among peoples, real cultural understanding is impossible.

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If international law is to be an effective force in the world, it must account for the differences amongst peoples. Ideas such as fairness, justice, and individual rights mean different things in different places. Imagine sitting down with a group of people from many different lands to try and come up with a common definition of "due process." Even in our country with a common language and history, the meeting would erupt in argument. Imagine the difficulties when a number of cultural viewpoints are represented.

In this perspective you will examine customs and laws as they reflect different cultures, ancient and modern. You will look at marriage in India and decision making in Japan. Finally, you will get the chance to take the viewpoint of a different people and debate the important issue of international human rights.

Law and Life in Two Ancient Societies

This Problem provides an opportunity to study original source materials dealing with life in the ancient Near East. The readings are taken from the literature of the Babylonians and Hebrews, and can provide insights into their social, political, and economic practices, as well as their religious and moral beliefs.

In his opening essay, "What Is History?" the author argued that all history is an interpretation of the past. Historians make their interpretations from remaining records. Since we have little first-hand evidence about either the Babylonians or the Hebrews, we have been forced to rely for information on what we can gather from scattered documents such as those you will read in this assignment.

The Code of Hammurabi was discovered in 1901 by French archaeologists who were excavating the site of the ancient
28 city of Susa in Iran. The code had been compiled by Hammurabi about 1750 B.C. and engraved on a stone pillar in cuneiform writing. A bas-relief at the top of the pillar shows a seated sun god presenting the code to Hammurabi, who stands before him in an attitude of reverent obedience. This version of the code was almost certainly based upon earlier Sumerian codes of law.

The surviving literature of the ancient Hebrews is almost entirely concerned with religion. The selection of laws presented below comes from the books of Exodus, Leviticus, and Deuteronomy, which are parts of the Old Testament. Historians believe that the Old Testament was written down between 900 B.C. and 100 A.D. Although it is a religious work, it contains a wealth of information about the secular lives of the Hebrews.

As you read the selections below, think about the following questions:

1. What are some of the ways in which the Babylonians and Hebrews made a living?
2. What do these laws reveal about the class structure in each society?
3. What do the Babylonian laws about water rights and the Hebrew laws on weights and measures reveal about the extent of governmental control?
4. What similarities do you see between these ancient laws and American laws today? What differences?

The Code of Hammurabi

Babylonian and Assyrian Laws, Contracts and Letters, edited by C. H. W. Johns. New York: Charles Scribner's Sons, 1904.

1. If a man has accused another of laying a *nêrtu* (death spell?) upon him, but has not proved it, he shall be put to death. . . .

3. If a man has borne false witness in a trial, or has not established the statement that he has made, if that case be a capital trial, that man shall be put to death. . . .

6. If a man has stolen goods from a temple, or house, he shall be put to death; and he that has received the stolen property from him shall be put to death. . . .

14. If a man has stolen a child, he shall be put to death. . . .

21. If a man has broken into a house he shall be killed before the breach and buried there.

22. If a man has committed highway robbery and has been caught, that man shall be put to death.

23. If the highwayman has not been caught, the man that has been robbed shall state on oath what he has lost and the city or district governor in whose territory or district the robbery took place shall restore to him what he has lost.

24. If a life (has been lost), the city or district governor shall pay one mina of silver to the deceased's relatives. . . .

42. If a man has hired a field to cultivate and has caused no grain to grow on the field, he shall be held responsible for not doing the work on the field and shall pay an average rent. . . .

53. If a man has neglected to strengthen his dike and has not kept his dike strong, and a breach has broken out in his dike, and the waters have flooded the meadow, the man in whose dike the breach has broken out shall restore the grain he has caused to be lost. . . .

55. If a man has opened his runnel for watering and has left it open, and the water has flooded his neighbor's field, he shall pay him an average crop. . . .

117. If a man owes a debt, and he has given his wife, his son, or his daughter (as hostage) for the money, or has handed someone over to work it off, the hostage shall do the work of the creditor's house; but in the fourth year he shall set them free. . . .

128. If a man has taken a wife and has not executed a marriage-contract, that woman is not a wife. . . .

138. If a man has divorced his wife, who has not borne him children, he shall pay over to her as much money as was given for her bride-price and the marriage-portion which she brought from her father's house, and so shall divorce her. . . .

143. If *(a woman)* has not been discreet, has gone out, ruined her house, belittled her husband, she shall be drowned. . . .

168. If a man has determined to disinherit his son and has declared before the judge, "I cut off my son," the judge shall inquire into the son's past, and, if the son has not committed a grave misdemeanor such as should cut him off from sonship, the father shall (not) disinherit his son. . . .

195. If a son has struck his father, his hands shall be cut off.

196. If a man has knocked out the eye of a patrician, his eye shall be knocked out. *(For a similar law of the Hebrews, see Deuteronomy XIX:21.)*

197. If he has broken the limb of a patrician, his limb shall be broken.

198. If he has knocked out the eye of a plebeian or has broken the limb of a plebeian, he shall pay one mina of silver.

199. If he has knocked out the eye of a patrician's servant, or broken the limb of a patrician's servant, he shall pay half his value. . . .

215. If a surgeon has operated with the bronze lancet on a patrician for a serious injury, and has cured him, or has removed with a bronze lancet a cataract for a patrician, and has cured his eye, he shall take ten shekels of silver. . . .

218. If a surgeon has operated with the bronze lancet on a patrician for a serious injury, and has caused his death, or has removed a cataract for a patrician, with the bronze lancet, and has made him lose his eye, his hands shall be cut off. ...

229. If a builder has built a house for a man, and has not made his work sound, and the house he built has fallen, and caused the death of its owner, that builder shall be put to death.

230. If it is the owner's son that is killed, the builder's son shall be put to death. . . .

237. If a man has hired a boat and boatman, and loaded it with corn, wool, oil, or dates, or whatever it be, and the boatman has been careless, and sunk the boat, or lost what is in it, the boatman shall restore the boat which he sank, and whatever he lost that was in it. . . .
245. If a man has hired an ox and has caused its death, by carelessness, or blows, he shall restore ox for ox, to the owner of the ox. . . .
251. If a man's ox be a gorer, and has revealed is evil propensity as a gorer, and he has not blunted its horn, or shut up the ox, and then that ox has gored a free man, and caused his death, the owner shall pay half a mina of silver. . . .
282. If a slave has said to his master, "You are not my master," he shall be brought to account as his slave; and his master shall cut off his ear. . . .

The Old Testament

From the Authorized King James Version of the Bible.

Exodus, *Chapter 20*

12. Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.
13. Thou shalt not kill.
14. Thou shalt not commit adultery.
15. Thou shalt not steal.
16. Thou shalt not bear false witness against thy neighbour.
17. Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that *is* thy neighbour's.

Exodus, *Chapter 21*

2. If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing. . . .
26. And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake.
27. And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake.
28. If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox *shall be* quit *(released from obligation).*
29. But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death. . . .
32. If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shekels of silver, and the ox shall be stoned.

Leviticus, *Chapter 19*

9. And when ye reap the harvest of your land, thou shalt not wholly reap the corners of thy field, neither shalt thou gather the gleanings of thy harvest.
10. And thou shalt not glean thy vineyard, neither shalt thou gather *every* grape of thy vineyard; thou shalt leave them for the poor and stranger: I *am* the LORD your God. . . .
13. Thou shalt not defraud thy neighbour, neither rob *him:* the wages of him that is hired shall not abide with thee all night until the morning. . . .
35. Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure.
36. Just balances, just weights, a just ephah *(about a bushel),* and a just hin *(between one and two gallons),* shall ye have: I *am* the LORD your God, which brought you out of the land of Egypt.

Deuteronomy, *Chapter 19*

16. If a false witness rise up against any man to testify against him *that which is* wrong:
17. Then both the men, between whom the controversy *is,* shall stand before the LORD, before the priests and the judges, which shall be in those days;
18. And the judges shall make diligent inquisition: and, behold, *if* the witness *be* a false witness, *and* hath testified falsely against his brother;
19. Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you.
20. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you.
21. And thine eye shall not pity; *but* life *shall go* for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Deuteronomy, *Chapter 24*

1. When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanliness in her: then let him write her a bill of divorcement, and give *it* in her hand, and send her out of his house.
2. And when she is departed out of his house she may go and be another man's *wife.*
3. And *if* the latter husband hate her, and write her a bill of divorcement, and giveth *it* in her hand, and sendeth her out of his house; or if the latter husband die, which took her *to be* his wife;
4. Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled.

E. Fenton, *32 Problems in World History,* (Chicago: Scott, Foresman, and Company, 1964), pp. 22–26.

"Case Study on Marriage"

MARRIAGE . . . Most of the time, Indian parents arrange the marriage of their children. When a woman's father or brother has found a mate for her, he may ask a third person to arrange the marriage. In the village, this third person often is the village barber. In the city, the third person may be a mutual friend. This person compares horoscopes to see if the couple will get along and settles the size of the dowry, the payment the bride's father makes to the groom. A large dowry is expected when the bride's family is rich or when the groom is of high status and has good earning power. The bride's family, no matter how poor it is, also pays for the marriage ceremony and feast. Weddings can cost a great deal and can put a family in debt for many years.

Lately, more Indians are choosing their own mates. Even when parents do make the choice, the bride and groom will have met before the wedding. Finding the right marriage partner is not always an easy matter. Indians traditionally want to marry within their own religion and caste. Status, dowry, and horoscope also are important. *The Times of India*, a large newspaper chain in the big cities of India, has offered a solution to the problem of finding a suitable marriage partner. It encourages Indian men and women to advertise for themselves and make their own choice. The advertisements that follow were taken from the matrimonial section of *The Times of India*.

A South Kanara Madhma Brahmin (a Hindu of the Madhma Brahmin subcaste from the South Kanara region of India) MBBS doctor, practising at Bangalore, of 34 years. 168 cms. seeks alliance from affluent eligible graduate brides below the age of 28 years. Advertisement for better selection.

Proposals from beautiful tall graduate girls for an engineer, 27 . . . No bar.

Matrimonial correspondence invited from educated well-employed men for accomplished goodlooking Telugu Brahmin girl (Hindu of the Brahmin subcaste who speaks Telugu). 31 years, graduate, employed Bombay. Immediate decent marriage. Also for brother, 29 years, engineer Bombay . . . Mutual exchange can be considered.

How are most Indian marriages arranged?

What is a dowry? How is its amount determined? What functions do you think the dowry serves?

What changes are taking place in Indian marriage customs? Are they becoming more or less like those of your society? Explain your answer.

What qualities are emphasized in the advertisements? What factors seem to be desirable in a man? In a woman? How does this compare with your value system?

Some of the advertisements say that caste does not matter. From what you know about caste in India, how true do you think this statement might be? Explain.

M. A. Farah, et. al., *Global Insights: People and Cultures*, (Columbus, Ohio: Charles Merrill Publishing Company, 1980) pp. 26–27.

Selling the Bride

From *Face to Face* by Ved Mehta, copyright 1957 by Ved Mehta. By permission of Little, Brown and Co. in association with the Atlantic Monthly Press.

Editors' Introduction:
After exchanging horoscopes and viewing the bride, the families must agree on a dowry. The dowry is the money and/or goods given by the bride's family to the groom's family and the new bride.

There is considerable criticism of the dowry system in India today. If a man has several daughters, providing a dowry for each of them can be a great expense. Many families go into debt to provide the proper dowry.

The custom of giving dowries goes back in Indian tradition more than 3,000 years. A tradition of such long standing cannot be changed easily. And certain features of the system make sense–perhaps too much sense to be changed.

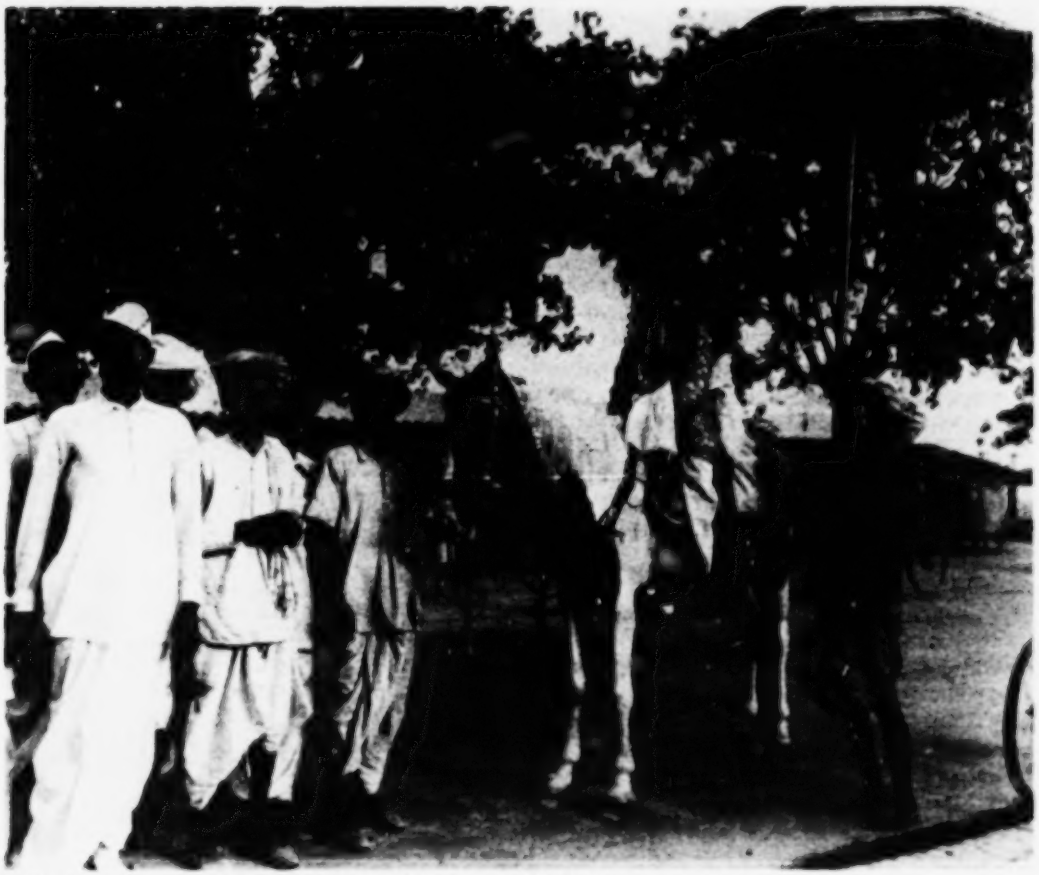
In the following selection, Ved Mehta discusses the dowry his family arranged for his sister Pom. What are some of the things American parents provide for their daughters that serve similar functions as the Indian dowry?

Originally, in Vedic times (3,000 years ago), the bride was adorned simply and affectionately and the dowry consisted of no more than a few presents from the family at the wedding. I soon learned how different it was now. Sister Pom's dowry must include clothes, jewelry, bedding, a sewing machine, cooking utensils, and cutlery–in fact, everything for a home save a car and the house itself, which might have been included had it not been for the three younger sisters, whose dowry had to match sister Pom's. The splendor of this dowry might well determine the subsequent offers to my other three sisters, and my grandmother carefully canvassed many of our relatives as to the presents they would give to the bride, so that there might be no duplication.

Although a few of the relatives thought the number of twenty-two saris was rather few, most consented. Long days were spent by Mother and sister Pom going to crowded bazaars and choosing the saris, which had to differ in materials, colors, and borders. No two could be alike, and even though the expensive ones of Benares brocade cost hundreds of rupees, the wardrobe was supposed to be so rich in variety that the bride could have a sari for each and every occasion for many years to come. (Actually, saris are very practical garments. Always six yards in length, they fit every size of woman, be she short or tall, slender or stout, merely with a few subtle adjustments of the folds.)

Jewelry matching the saris had to be made to order. Because until recently the laws of inheritance in India favored the male members of the family at the expense of the widow, a woman's most valued possessions were her gold and diamonds. These jewels alone formed her *istri-dhan*, her inheritance, which could not be taken away from her after her husband's death, according to Manu, the great Hindu lawgiver. My mother had recited to me the law of Manu sometimes before: "The ornaments which may have been worn by a woman during her husband's lifetime his heirs shall not divide. Those who divide them shall be outcasts."

Editors' Postscript:
The saris and other expensive items that



Indian family in a pre-wedding parade of the bridegroom. *Wide World*

made up Pom's dowry might seem ostentatious–a way of showing off the wealth of the bride's family–but the dowry serves a number of practical purposes as well. As Ved Mehta mentioned, the dowry is the bride's inheritance. The sons will receive land and other property at their father's death. The daughters instead receive a dowry at marriage: the saris, jewelry, and cooking utensils they take to their husband's house.

The dowry can also help to sustain a family in times of need. There are many Indian stories and poems in which a wife proves her love for her husband by selling her jewelry and giving him the money. The dowry, especially jewelry, thus becomes a form of insurance for an Indian family.

Finally, a young couple beginning life together needs resources for setting up a household. In America some of these needs are met through wedding or engagement presents or family generosity. In India the dowry serves the same purpose.

D. J. Johnson and J. E. Johnson, "Selling the Bride," in series *The Wheel of Life* Volume #1, *Through Indian Eyes,* (New York: Praeger Publishers, 1975), pp. 64–67.

Families Are Different In India

Editors' Introduction:

This joyous mother's song suggests how many people are involved in an Indian child's birth. "In India you have got to be connected," an Indian remarked. The most important connection, at birth and throughout life, is an individual's family, and so our story of India begins with the family.

Husband, call the midwife quickly,
Let my child be delivered.
Husband, call the barber's wife quickly,
Get the four-wick lamp lighted in my palace.
Husband, call my mother-in-law soon,
Beat the golden plate in my palace....
Husband, give sister-in-law lovingly what's due to her,
And fulfil all customs with double measure.*

How does an Indian family differ from an American family? The novelist Santha Rama Rau suggests some answers in this first selection. What is your attitude toward relatives who come to visit in your home? What does "mother-in-law" mean in the United States? In India?

So often in the years I have lived in America, I have heard the pleasant inquiry, "How is your family?" It makes me realize that it is virtually impossible to translate the question into my native language, Hindi. In India, you would ask, "Is everyone well in your house?"

The point is that almost never do we, in India, use the word "family" in the American way, meaning, perhaps, only a husband and wife and their children. In India, a family would mean something much closer to a clan, including numerous near and distant relatives. This odd fact of language illustrates the profound

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difference in the family life of the two countries. In the Indian household, with all its diverse relationships, you learn to become a part of the world that surrounds you.

I once quoted to an American friend a familiar Indian saying, "Every Hindu girl's ambition is to be a mother-in-law." My friend looked puzzled. "Why a mother-in-law?" she asked.

Whatever rights may be denied a Hindu woman by society, in the intricate and all-embracing domain of her home, she is supreme. Living with a husband and wife often will be all their sons and daughters-in-law, all their grandchildren, and possibly, if the grandsons are old enough to be married, there will be the great-grandchildren as well. The senior woman in the home, the mother-in-law, controls this empire–which requires all her skill, tact, and administrative competence.

Besides the immediate members of the family, there will also be distant relatives who, for one reason or another, have a right to be part of this large family organization–a widowed cousin, an uncle without a family of his own, or a maiden aunt. Relatives from near and far have the right to come and "visit" for a week, six months, the rest of their lives, and nobody will question their presence. After all, what is a family *for*?

I can remember from my grandmother's household an elderly cousin who used to visit us daily. He came to our house, not to share our company, but because he was too stingy to buy his own newspaper. At six every evening, a chair would be set out for him in our garden, our newspaper on it, weighted down with a stone to keep the rising night breeze from disarranging it. He would arrive, settle himself comfortably, enjoy the lovely colors of the Indian evening, read the paper, and then leave. Often, he would not exchange a word with any member of the household. Why should he? In the Indian view, the horizons of a family should be wide. No one in the family, and certainly not an older member, is ever thrown on the discard heap. All remain cherished and respected members.

When I first returned to India after four years at Wellesley College, my family was bursting with curiosity about my exotic adventures in that "new" country, America. The question that interested me most came from a very old relative, a lady who was partly deaf and nearly blind. "Tell me," she said, "is it really true that some old women in America live alone?"

"Yes," I admitted. "There isn't always room for old people in the household of a newly married couple."

"Oh," she said, "how very sad!"

"But the old people often prefer to have a place of their own."

"I wasn't talking about the *old*," she told me in a sharply impatient voice. "I meant, how very sad for the *young*."

No wonder there is no true equivalent in India for the word "family" in the American sense. In every Asian family there is not only space but necessity for all these many relationships and their diverse contributions. The Indian household encompasses a consideration of a world of people that may not be to every member's taste–but all of whom deserve equal consideration.

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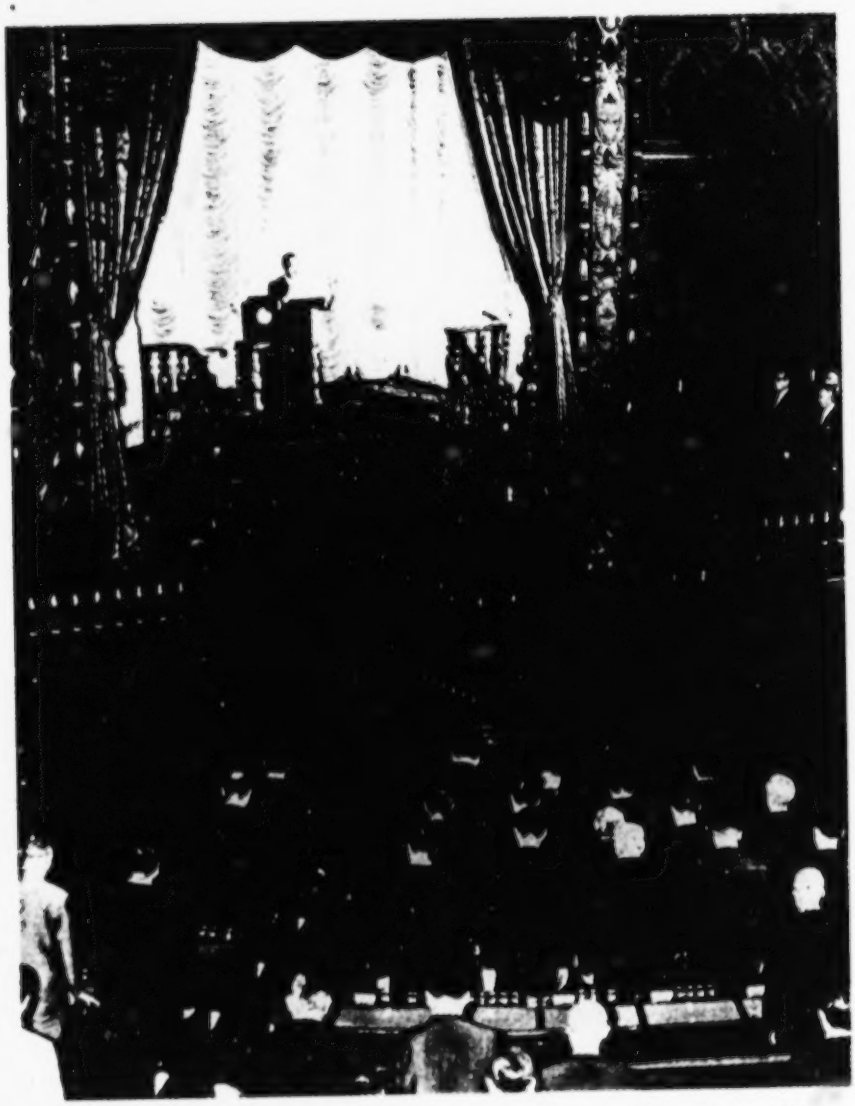
*Excerpt from "Families Are Different in India," by Santha Rama Rau, *The Reader's Digest*, August, 1965. Copyright 1965 by The Reader's Digest Assn., Inc. Used with permission.

Song 89, *Women's Folk-Songs of Rajputana*, compiled by L. Winifred Bryce, The Publications Division, Ministry of Information and Broadcasting, New Delhi, 1964. Reprinted by permission.

D. J. Johnson and J. E. Johnson, "Families Are Different in India," in series *The Wheel of Life* Volume # 1, *Through Indian Eyes*, (New York: Praeger Publishers, 1975), pp. 19–22.



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The Emperor addresses the opening of the Japanese House of Representatives. *Ministry of Foreign Affairs, Japan*

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The Individual and The Law

In Japan, as in other countries, there are people who run afoul of the law and find themselves accused of crime. Generally the Japanese legal system follows western procedure with respect to indictment, trial, and the presentation of evidence. There are some differences, however.

Japan has had the jury system since 1925, when a law provided for it. Few Japanese ever chose trial by jury, though, and few dō today. A person electing a jury trial is generally looked down upon, for few Japanese seem to trust a "jury of their peers," preferring to be tried by a judge alone. Possibly the Japanese attitude toward authority has something to do with this.

Another difference lies in sentencing. Japanese judges tend to treat those convicted of a criminal offense as individuals. They take into consideration the circumstances of a crime and the relationship of the individual to the portion of society of which he is a part, his home and educational background, his past record, and so on. Judges tend to stress reform and rehabilitation instead of punishment. Consequently even sentences for murder frequently are light, especially in comparison to practices in some other countries.

With respect to civil justice, as in the past Japanese rural people tend to shun the courts. They distrust lawyers whose services they can ill afford anyway. Divorce is not a matter for the court and marriages need simply to be recorded. Rural residents tend to settle civil disputes by themselves or by negotiation through a third party. Wrote one observer:

> Only a matter of the greatest personal or family importance could induce them to seek the assistance of the courts in the decision of a dispute, and then only after they had exhausted all other means of settlement. Public disputes between community members are disapproved. The community values its harmony and dislikes seeing it breached in any serious fashion. This is especially true if the breach is so conspicuous as to draw the attention of neighboring communities and thus expose the village to shame and ridicule. Such affairs challenge both the reputation and the cohesiveness of the community. They are not viewed lightly. Probably, one must be brought up among the constant, intimate contacts of a settlement group such as Niike fully to understand the force of this view.
>
> But the Japanese farmer is not so impractical as to believe that disapproval can eliminate disputes. Certainly Niike and its neighboring communities provide instances of quarrels of every degree of bitterness and seriousness. The community accepts the inevitability of such rifts, but at the same time it seems to demand two things of its disputants. First of all, open displays of ill-feeling and hostility should be avoided. Second, the settlement of disputes should be attempted through the traditionally approved technique of mediation. Mediation is the manner in which Japanese farmers have settled their disputes for centuries. Still the approved means of settlement, it detracts from the use of the court system. Also, being completely local in operation, it is a means of reinforcing the community against outsiders and thus contributes to community cohesiveness and self-containedness.
>
> Various more practical considerations reinforce the tendency toward local mediation. Historically, the farmer's experience with the formal institutions of Tokugawa justice probably did not breed confidence in the courts. There are similar deterrents today. To go to court one must employ a lawyer, and the cost of lawyers is high. Lawyers are commonly regarded as interested primarily in maximizing their fees and generally suspected of complicating cases for this purpose. The financial risks of bringing a civil suit are considerable, particularly if the judgment goes against one. And, anyway, the humble farmer simply feels ill-at-ease and out-of-place in the formal and official atmosphere of a courtroom. All of these circumstances hardly lead to the free or effective use by the villager of judicial process as a means of settling his disputes.
>
> Of the considerable number of persons with whom we discussed such matters, many summed up their views by quoting the old adage "chusai wa toki no ujigami" ("Mediation is the god of the times"). Despite such feelings, however, it was generally held that as a last resort for the solution of their most desperate problems they might go to court. When pressed as to the possible nature of such problems, most could conceive of little that could induce them to take so desperate a measure, save the most vital questions affecting the boundaries of agricultural land or irrigation rights.
>
> Political democracy got off to a slow start in the Japan of Meiji times. It began to grow during the 1920s. The military dictatorship of the 1930s and World War II years choked it off. Democracy revived after the war and, although the Japanese have their own way of doing things, political democracy continues strong in Japan.

J. I. Clark, Ed., *Japan* in series *Peoples and Cultures Series,* (Evanston, Illinois: McDougal, Littell, and Company, 1976), pp. 126–127.

Student Materials
Decision Making: Who Decides and How

Harmony

Our part of the group wants to go here; yours wants to go there. But there is only enough time to go to one of the two places, and somehow we must choose. We must cope with the conflict and come to a decision. What are the possibilities? We could have a pitched battle, the survivors to decide. We could have a shouting match. We could discuss the pros and cons, agree on majority rule, and take a vote. We could discuss the question until we get unanimous agreement, as a jury does in criminal cases.

In any case, if we want our group–or our entire society–to endure, we must have a way to reconcile conflicting interests peacefully; pitched battles would soon leave us with might becoming right, and decisions made arbitrarily. Ideally, whatever process we choose should allow for sensitivity to the feelings of those involved.

In both the United States and Japan, there is an electoral process through which votes are counted and the winners take office. This we call democratic majority rule. But how are decisions made in business and industry, in clubs and other voluntary organizations, and within the councils of government? Are they made through the power of authority, by majority rule, by consensus? Both societies use all these methods, but the Japanese aim at and prefer consensus. They have developed some effective procedures for this

more difficult process.

One goal of consensus is group harmony as well as decision making; in fact, harmony is almost more important. Consensus–getting everyone to agree and accept the result before it is announced–is used even in the Japanese parliament, where formal decisions are taken by majority vote after consensus has been achieved.

Why is it so important to maintain harmony in decision making in Japan? Perhaps because Japanese society has always had a family or group orientation that values the health of the group above all else. The idea has never been to win at any cost, but to move everyone together toward a goal on which all can agree. Both Shinto and Confucian values and practices reinforce group solidarity. Shinto, native to Japan, emphasizes an emotional and intuitive approach to life. Confucianism, the moral and ethical system adapted from China, is authoritarian and group-centered, although personal feelings and intuitive responses are highly valued. Saving face, an important part of this system, means considering the other person's feelings in sufficient degree so that open breaks are avoided, and personal and social relations can continue. Japan's geographical isolation and lack of natural resources have also contributed to its social homogeneity and the commitment to, and sense of identity with, the group and nation. It has been seen as necessary for all to work together for the society to survive at all.

These traditional attitudes are evident in every facet of life in Japan, even though it has long since become a modern, industrialized society. It is still an island nation with few natural resources. Government and business bureaucracies still use Confucian ethics of responsible and harmonious relationships, liberally sprinkled with authority, as the basis for operating the system. The dynamics of consensus make use of these traditions and on a rational decision-making level involve all concerned.

Consensus: How the Process Works

Consensus is a means of adjusting conflicts and reaching decisions in which all involved abide by the result because they have had a voice in the process by which the decision has been reached. Before any decision is made, there is debate and discussion and even pressure tactics by those in power. But the holders of power are expected to listen to the opposition and to those lower in rank and to accommodate their views in some concrete way before formulating a decision.

Within the Japanese cultural orientation, consensus offers the possibility of achieving harmonious acceptance of decisions that provides the added benefit of security and solidarity within the group. The Japanese are quick to point out that with consensus no one individual can be blamed should a particular decision prove a failure. Rather, the whole group is held responsible. The same is true when the decision turns out to be effective.

Consensus also means that the individual receives satisfaction from the group effort rather than from personal decisions and action. Identity is a group rather than an individual matter. When decisions are made in this way, no one loses face. In contrast, it is not difficult to see how rigid majority rule, with the personal animosities it sometimes creates, can destroy cooperation and group solidarity. If I confront you in open debate and defeat you by convincing everyone else you are wrong, you may go along with the will of the majority in a subsequent vote, but you and I may no longer be on speaking terms and you may take your supporters and leave the group altogether.

How does consensus decision-making operate in a hierarchical system? The key element–and a difference between it and the American process–is the direction of the flow of ideas from one level of an organization or group to another.

Where does an idea start? Let us look at how Japanese business operates as an example. In a Japanese company, it is more likely to start at the top in the form of a policy proposal in broad and general terms made by the president or board of directors. The middle managers responsible for development and production then discuss with their staffs and with each other what specifically would have to be done to develop a concrete, workable program within the guidelines of the general proposal. The concrete plans then work their way back up the hierarchy for final approval at the top and announcement as the company's program. As the detailed proposal moves upward again, each person through whose hands it passes stamps it with a personal seal to signify agreement. By the time this stage–consensus–is reached, everyone who bears any responsibility has participated and shares in the commitment to the success of the project. It is a quite formal process.

For the process to work well, people at each level have confidence in the good will and integrity of those above and below them. Even if that confidence is not present, since the final decision will be the responsibility of the group and individuals perceive their identity as members of the group, all will have a stake in the successful carrying out of the decision. Such a personal investment means that even those who may be dissatisfied with the decision will in the end support it.

Because it is so important to ensure that each person is satisfied as much as possible, and this takes much time and talk, premature commitment is avoided. Much of the discussion takes place after working hours and outside the office, in more informal settings such as a restaurant or bar. This is one reason why Japanese salaried people (white collar workers) spend so much time socializing with each other instead of at home with their families.

A comparable process is being increasingly used in many American companies. It is no longer usual for an autocratic boss or board to make a binding policy commitment without consultation with those whose duty it would be to implement that policy. Because most important changes involve complex structures and have extensive ramifications, widespread consultation is increasingly seen as an important, indeed essential, component of the decision-making process. The major differences between Japanese and American decision-making styles, therefore, are the extent of involvement in the process and the attitude toward consensus. The tendency here, as a means of speeding up the deliberations, is to contain the discussion within the smallest group of managers who will be charged with actual operating responsibility. And there is no feeling that formal assent, signifying consensus, is required. The decision is ultimately made at the top, with little attention to personal sensitivities and the demands of the community.

Learning Activity 1

A church–Should we or should we not take a public stand on the local question of liquor by the drink in our town or city? If we do not take a stand, how do we justify neutrality?

Roles: member of the clergy; leader of women's group opposed to liquor by the drink; member of the congregation

who owns a restaurant and who is in favor of liquor by the drink.

A high school–Because of limited funds, should we or should we not abolish the school's athletic programs? All of them? Some of them? None of them? Reasons?

Roles: principal; director of athletics; student member of the football team; students interested in applying athletic program funds to a film and videotape training program.

A social club–Should we expel our newest member who had been tried and convicted of embezzlement in a previous job as manager of an old, established community department store? Why? Why not?

Roles: president of the club; founder of the club and department store owner, who believes the newest member should be expelled; best friend of the member in question, who disagrees with the ouster.

A business board of directors–Should we or should we not purchase the San Francisco Giants baseball team, which is for sale? Do we have the money? Can we negotiate the price? Is it a potentially strong profit-making venture?

Roles: chairperson of board; member of board who is a great baseball fan; cost-conscious, fiscally conservative member.

A county planning commission–The county has just been given 100 acres of open land. What should be done with it to benefit the most people? Use it for recreation? Low-cost housing? An industrial park to create more jobs?

Roles: chairperson; owner of a factory adjacent to the site; leader of a recently completed survey revealing scarcity of low-cost housing; leader of a women's group interested in promoting more recreational areas to get young people off the street.

B. Bullard, *Intercom #89*, (New York: Global Perspectives in Education, 1978), pp. 29–32.

Here Are the Rules, Japanese-style

1. Decisions must be made by consensus. This is to say, not by majority rule, since there will be no formal vote-taking. This does not mean that there must be unanimous agreement; there should be general acceptance of what is decided, even though some persons may have reservations. The whole group and each individual will be responsible for defending the decision when it is made.
2. No person in the group will be embarrassed by having his or her opinion directly rejected.
3. No person in the group will directly disagree with, i.e., forcefully oppose, any other member of the group.
4. The issue which requires a decision must not be dealt with in a way that will generate head-on confrontation. It must be discussed discreetly and sensitively. The decision must be reached by dealing with the issues in ways that neither threaten nor attack individuals in the group.

Differing Views on Human Rights

Viewpoint:
The Socialist Countries

You are the representatives of several Communist and Socialist countries to the International Human Rights Conference. Among your group are delegates from the Soviet Union, East Germany, Poland, Czechoslovakia, and Cuba. At the Conference you will be meeting with representatives from all over the world in an attempt to make determinations about four alleged violations of Human Rights.

Your Point of View

You all agree that the most important rights are Economic, Social, and Cultural; such as, the right to education, the right to work, the right to an adequate standard of living, and the right to participate in the cultural life of one's choosing.

Your group believes that cooperation between countries with different social systems is possible even in the area as delicate as Human Rights. However, some Western countries still deny social and economic rights the same importance as civil and political rights. They also deny that the state is legally bound to observe social and economic rights.

As a group, you all agree that the most basic Human Right is the right to life itself. The two greatest threats to life are undoubtedly war and mass poverty. They must be eliminated.

Yet for the Human Being to exist without dignity is not to live a truly Human existence. Your group agrees on the following list as some of the most important Human Rights tasks facing the world today:

- To eradicate all forms of racial, ethnic, linguistic, and religious discrimination, as well as, discrimination on the grounds of sex.
- To improve working conditions including the abolition of slave and forced labor, as well as, child labor; guaranteed full employment; lower taxes; higher real wages; shorter working hours; equal pay for/and treatment of women; general improvement of the working environment.
- To improve health conditions including free medical services; and adequate number of properly equipped hospitals; and increase in allocations for medical research.
- To improve housing conditions including increased construction of housing facilities; guaranteed inexpensive housing for everyone; controlled modernization of urban centers.
- To improve systems of social insurance including adequate protection for the aged, invalids and other people incapable of work; adequate child care centers, extension of necessary assistance to mothers; adequate facilities for leisure.
- To abolish illiteracy; improve public education including providing free education to all; the democratization of the educational system, especially with regard to student participation.

Viewpoint:
The United States

You are the representatives of the United States to the International Human Rights Conference. At the conference you will be meeting with representatives from all over the world in an attempt to make a determination about four alleged Human Rights violations.

Your Point of View

Some of you are liberals and some of you are conservatives in your political outlook. However, you all agree that the American government's first priority in the area of Human Rights traditionally has been the preservation of civil and political rights. The framers of your national constitution sought to ensure some of these rights by listing them as the first ten amendments to that document. You have come to call these amendments the Bill of Rights.

During most of your country's history, civil and political rights have been major topics of internal politics. But recently, during the Carter Administration, the topic of Human Rights became a major issue of foreign policy. This means that President Carter informed other nations that the preservation of Human Rights would be an on-going interest of the United States. Countries that violated the Human Rights of their citizens would endanger their diplomatic relationship with the United States.

The Carter Administration put these Human Rights into three categories:

1. The right to be free from governmental violation of integrity of the person. Such violations include torture; cruel inhuman or degrading punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invasion of the home.
2. The right to fulfillment of vital needs, such as food, shelter, health care, and education.
3. The right to enjoy civil and political liberties such as freedom of thought, of religion, of assembly, of speech, of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

Viewpoint:
Developing Nations in Africa

You are the representatives of several developing (Third World) nations to an International Human Rights Conference. The other members of your group represent African nations recently liberated from the yoke of the European colonial rulers. At the Conference, your group will be meeting with representatives from all over the world in an attempt to make determinations about four alleged Human Rights violations.

You represent the African countries of Burundi, Central African Empire, Rwanda, Zaire, Uganda, Zambia, and Ghana. Locate these countries on a world map.

Although your countries have different forms of government and different internal problems, you all agree that top priority should be given to *fundamental Human Rights* and the *dignity* and *worth* of the Human Being. You feel that top priority should be given to the *basic Human needs* of people in poor and developing nations. In earlier sessions of the United Nations, your group has demanded a "New International Economic Order" which would provide a fairer distribution of global wealth. In the past, you have defined some of these basic Human needs as follows:

1. The right to survive (life and health).
2. The right not to be subjected to

Police beating a South African woman in Soweto. Violence commemorates the fifth anniversary (1976) of Soweto Riots. *UPI*

torture.

3. The condemnation of apartheid.
   APARTHEID (apar-tate) literally translates "apartness." It refers to South Africa's policy of separation of the races.
   It began in 1948 as the policy of the National Party, which passed many laws that provide for the strict separation of whites, blacks, and Asians.

The Cocoyoc Declaration of 1975 is an important expression of recent Third World outlook. This document defines your perspective more broadly.

"Development should not be limited to the satisfaction of basic needs. There are other needs, other goals and other values. Development includes freedom of expression and impression, the right to give and receive ideas and stimulus. There is a deep social need to participate in shaping the basis of one's own existence, and development includes the right to work, by which we mean not simply having a job but finding self-realization in work, the right not to be alienated through production processes that use Human Beings simply as tools."

Because all of your countries were European colonies until recently, you are particularly sensitive to any actions of *imperialism* by the richer, more developed nations. On July 4, 1976, Third World nations met in Algiers, the capitol of Algeria, to hammer out a Universal Declaration of the Rights of the Peoples. This document condemns attempts by develloped nations "to oppress and exploit the peoples of the world." As this excerpt from the preamble describes:

"Imperialism, using vicious methods, with the complicity of governments that it has itself often installed, continues to dominate a part of the world.

Through direct or indirect intervention, through multinational enterprises, through the manipulation of corrupt local politicians, with the assistance of military regimes based on police repression, tortures and physical extermination of opponents, through a set of practices that has become known as neo-colonialism, imperialism extends its stranglehold over many countries."*

Thus, you feel that freedom from outside oppression is a basic Human Right.

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Viewpoint: The Islamic Nations

The Islamic world is made up of thirty-six states. That is nearly one-fourth of the number of countries of the world. It has a population of 750 million, almost one-fourth of the world's population. Most of these governments resent what they believe to be a Western attitude of cultural superiority. They include the Islamic nations of Yemen, Qatar, Iraq, and Pakistan. Locate these countries on a world map.

You feel that Western nations view Human Rights only from their own perspective.

In Islam, the state surrenders its *sovereignty* to God. From your viewpoint, the state (national government) does not just exist to maintain law and order and to protect against invasion. The state must balance the relationship between individuals and the government and it must *prevent individual freedom from threatening the interest of the community.* **

In Islam, freedom is not considered an inherent right. Human Rights exist only in relation to human obligations. Individuals possess certain obligations towards God, fellow Humans, and nature. When individuals meet these obligations they acquire certain rights and freedoms. Those individuals who do not accept these obligations have no rights. Their claims of freedom lack justification.**

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*Universal Declaration of the Rights of Peoples, July 4, 1976.

**Abdul Asis, "Percept and Practice of Human Rights in Islam." *Universal Human Rights.*

Alleged Violations of Human Rights

Apartheid

Since black people are not legally citizens of the Republic of South Africa, their rights there are severely limited under a system of racial separation known as "apartheid."

"Apartheid" in South Africa is based on the assumption that black Africans are inferior Human Beings. Moreover, numerous "apartheid" laws have been passed to make sure that the Africans stay on the bottom of South African society. Laws prohibit sexual relations or inter-marriage between people of different races. Blacks are allowed to live only in certain residential areas. African children go to racially separate schools which receive less money than the schools white children go to. The better-paying jobs are reserved for whites; blacks are expected to work as laborers. In addition, they may not own land or vote in South African elections. Also, laws exist to keep the races apart in all areas of South African society. For example, blacks and whites are not allowed to play together in sporting activities.

To enforce this system of "apartheid" all black Africans living and working outside their "homelands" are required to carry identity passbooks. These passbooks allow the blacks to live and travel only in certain areas. About 250,000 Africans are arrested each year for not possessing a passbook, or for being in the wrong area.

Because of its obvious violations of Human Rights, the "apartheid" system of South Africa was declared a "crime against Humanity" by the United Nations in 1973.

The Shcharansky Trial

During President Carter's Human Rights campaign in 1977, a 29-year-old Soviet Jew, Anatoli Shcharansky, was arrested and charged with various political crimes as well as treason, a death penalty offense. Many people interpreted Shcharansky's arrest and trial as a demonstration by Soviet leaders that Carter's criticism of Russia's Human Rights record would have no practical effect in the U.S.S.R.

Shcharansky was arrested in March 1977 and held sixteen months before his trial. The most serious charge against him was that he spied for the American Central Intelligence Agency (CIA). Shcharansky never confessed to this charge, and no real evidence was ever produced proving he was a spy for the U.S.

The real charges against Shcharansky had more to do with his political activities. Shcharansky had called news conferences, written public letters, and in other ways helped many Russian Jews leave the country. However, he himself was repeatedly denied permission to emigrate to Israel. He also was an outspoken critic of the Soviet system, and helped to form "Helsink/Watch" committees to monitor Human Rights violations in the U.S.S.R.

Shcharansky's trial lasted for five days in July 1978. The trial was closed to the press, foreign diplomats, and the public; even his mother was not permitted to attend. However, his brother was allowed to be present. He and other eyewitnesses reported what happened.

When the trial began Shcharansky asked to have a lawyer of is own choosing. This was denied, and a government attorney was appointed to defend him. Shcharansky then announced that he would conduct his own defense. He pleaded not guilty to all charges, and tried to present his defense. But the judge continually interrupted him, and ruled that he could not call his own witnesses or even cross-examine government witnesses against him.

Shcharansky was sentenced to thirteen years in a prison and labor camp.

Wilmington Ten

The "Wilmington Ten" case began in the racially troubled city of Wilmington, North Carolina, in 1971. During that year the high school was racially desegregated, with black and white students going to school together for the first time. Trouble started when school officials refused to include black studies in the curriculum, or to allow black students to organize a program honoring Martin Luther King.

The black students decided to boycott the school and to peacefully demonstrate. Reverend Eugene Templeton, the white pastor of the predominantly black Gregory Congregational Church, gave permission to the students to use the church for their headquarters.

Responding to the protest efforts of the black students, the Klu Klux Klan organized marches of their own. Soon violence erupted as shots were fired into Reverend Templeton's church.

Seeing that things were getting out of hand, Reverend Templeton contacted a United Church of Christ race relations committee in Raleigh. The committee responded by sending their field representative, Reverend Ben Chavis, to Wilmington. Chavis, a graduate of the University of North Carolina, was a follower of Martin Luther King and had led many black nonviolent civil rights demonstrations.

When Reverend Chavis arrived in Wilmington, he assumed leadership of the student protest movement. He also attempted to get Wilmington's white officials to declare a city curfew to reduce the violence, but his request was turned down. The violence intensified as several people were shot and killed, including a fifty-seven year old white man and a seventeen year old black student. At the height of

the racial conflict a white-owned grocery store, located three hundred yards away from Reverend Templeton's church, was firebombed.

One year later Reverend Chavis, eight black male high school students, and a woman social worker were arrested. They were all charged with firebombing the grocery store, and conspiring to assault police and firefighters. None of the ten had previously been convicted of any crime.

The trial of the ten defendants was moved to the next county because of the continuing racial tensions in Wilmington. The majority of the population of this neighboring county was black, and at first, a jury made up of ten blacks and two whites was selected. At this point, however, the white prosecutor, Jay Stroud, suddenly became ill, and the white judge declared a mistrial. At the second attempt to hold the trial, Stroud used forty challenges against prospective black jurors. Also, during the jury selection, the judge refused to rule that Klu Klux Klan membership was good cause for rejecting a white juror. The new jury ended up with ten whites and two blacks.

The prosecution produced three young black witnesses who testified against the ten defendants. The key witness, however, was eighteen year old Allen Hall, a high school dropout with a long juvenile record, who had already pleaded guilty to arson. Hall testified that Chavis had taught him and others how to make firebombs, and that Chavis had ordered him to burn the grocery store.

The trial lasted five weeks. At the end, prosecutor Jay Stroud told the jury that the defendants were "dangerous animals who should be put away for the rest of their lives." After three hours, the jury returned a verdict of guilty for all ten. Reverend Chavis received a prison term which could last up to thirty-four years; the others received sentences ranging from seven to twenty-nine years.

The "Wilmington Ten," as they now were called, appealed their convictions all the way to the U.S. Supreme Court, which refused to review the case in January 1976. However, several months later, Allen Hall, the most damaging witness against the Ten, said that he had lied at the trial. He claimed that prosecutor Stroud had threatened to send him to prison "for the rest of my life" if he did not agree to testify against Chavis and the others. Apparently, Hall, who had a history of mental instability, was transferred to a mental hospital after he had confessed his part in the firebombing to the police. It was here that Hall agreed to testify against the Ten.

The following year, an unusual "post-conviction hearing" was held by a North Carolina state judge. At the hearing, Allen Hall swore that the "Wilmington Ten" prosecutor, Jay Stroud, had promised him a short prison term if he would testify that Chavis had coached him to firebomb the store. The other two prosecution witnesses also said that they had lied under pressure from prosecutor Stroud. One of the witnesses, who was thirteen years old at the time of the trial, said that Stroud had promised him a minibike and a job if he would cooperate. Stroud admitted that he got the boy the bike and the job, but only because he liked him.

Despite the admission by Allen Hall and the other two prosecution witnesses that they had lied, the judge at the "post-conviction hearing" refused to order a new trial. From his prison cell, Ben Chavis reportedly called the judges ruling "absolutely racist and absolutely political."

Central African Empire

In 1979, school children between the ages of eight and sixteen protested a government rule requiring them to wear uniforms. The children threw stones at official government cars, including that of Emperor Bokassa. Hundreds of the children were then arrested and imprisoned, where some of them reportedly died from suffocation or were killed outright. Others were stoned, bayonetted, or beaten to death with sharpened sticks and whips by Emperor Bokassa's Imperial Guard.

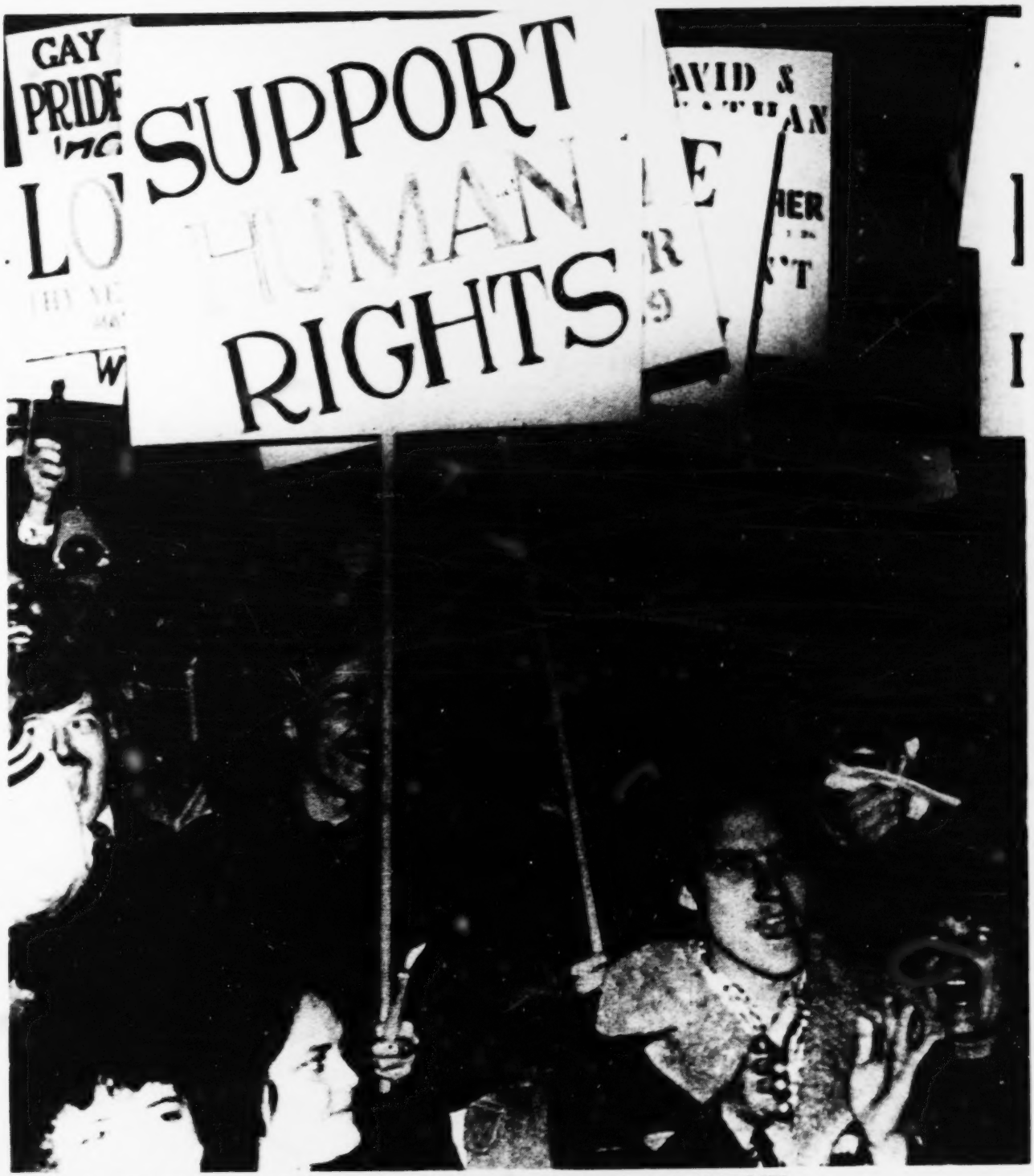
Instructions for Delegates

It is your task to review four short case studies of alleged Human Rights violations in different parts of the world from the viewpoint of your group (Socialist, U.S., Developing African, or Islamic). In the course of your meeting, you must also develop a position on the cases to present to an International Conference on Human Rights. The Conference will be attended by representatives from nations with viewpoints very much different from your own. Yet, all have stated interests in protecting Human Rights all over the globe.

Steps to Follow:

1. Select a spokesperson to lead the discussion and present the recommendations at the conference. Select a recorder to take notes.
2. Individually read the case study: "Alleged Human Rights Violations."
3. Discuss the four case studies using the following questions:
   a. Does this case represent a violation of Human Rights? Why?
   b. If so, what Human Right(s) have been violated?
4. Develop a recommendation to present to the conference for dealing with each alleged violation. Consider the following:
   a. Is this a serious violation of Human Rights according to your group's position on Human Rights?
   b. What international action(s) should be taken to end the violation?
   c. Which of these actions would be politically acceptable to the delegates at the conference? How might politics (e.g. national interest, alliances) affect delegate views?

Prepare a three to five minute presentation covering these points for the conference and develop questions to ask delegates representing different points of view.



"It is sometimes difficult to understand diversity when another's ways threaten or reject values we hold dear." *UPI*

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"World headquarters of the International Telephone and Telegraph (ITT), a non-governmental international actor." *UPI*

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Actors and Relationships

When you think about actors, you probably imagine people in dramatic roles in movies or on television. In this Perspective, we are going to look at a different kind of actor: those which take an active role in international affairs.

Our actors are not just individuals, although international actors can be individuals. International actors include countries; business corporations; groups such as the Roman Catholic Church or Amnesty International; cities; and individuals too. Because the number of contacts between peoples and economies is growing, so are the number of international actors.

The idea of so many kinds of international actors may be new to you. From classes at school or from newspapers, we tend to think that nations and states are the only significant international actors. After working with this Perspective, you will see that the kinds and numbers of international actors are almost endless. Each play a part in shaping the world we live in.

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We will also take a look at some of the relationships that can exist amongst all of these actors. Through negotiations and agreements, corporations and nations solve problems and make deals. Through treaties and accords, states sometimes avoid armed conflicts and make the world a safer place in which to live. Through political pressure, special interest groups seek to influence world powers to save the whales, protect human rights, and assure adequate supplies of oil.

This Perspective also has a very practical side. How many times have you heard about an international problem or crisis and thought, "That's terrible . . . but there's nothing I can do about it." By learning about international actors, particularly special interest groups, and maybe even joining one, you can do something. You can be an active, global citizen as well as a United States citizen! Even if you choose not to join such a group or never have a job that makes you an international actor, the knowledge you can gain in this unit will give you a whole new perspective about the world and the way it works.

The Big Time

A growing interdependence in world trade has led to the development of the multinational corporation that both produces and sells products in more than one country. Today, many of these private corporations have budgets (money to invest or spend) which are larger than many countries. The list below shows the 25 largest organizations *(countries* and *corporations)* in the world according to their yearly revenues (income). The figures are taken from the U.N. Statistical Yearbook and publications of the U.S. Bureau of the Census.

Organization and Billions of Dollars

1. United States Government, 187.8
2. USSR Government, 149.0
3. West German Government, 54.6
4. British Government, 35.0
5. Chinese Government, 28.3
6. French Government, 25.1
7. General Motors Corporation, 24.3
8. Japanese Government, 19.8
9. American Telephone & Telegraph, 15.7
10. Italian Government, 15.5
11. California State Government, 15.4
12. Standard Oil Corporation, 14.9
13. Ford Motor Company, 14.8
14. Polish Government, 14.5
15. New York State Government, 14.4
16. Canadian Government, 11.9
17. Royal Dutch/Shell Oil Company, 9.7
18. Sears Roebuck and Company, 8.9
19. General Electric Company, 8.4
20. IBM Corporation, 7.2
21. Chrysler Corporation, 7.1
22. Swedish Government, 6.9
23. Mobil Oil Company, 6.6
24. New York City Government, 6.4
25. Unilever Corporation, 6.0

Kenneth A. Switzer and Charlotte A. Redden, *Teaching About Diversity: Latin America*, (Denver: Center for Teaching International Relations, 1978), p. 141.

Individuals Can Make A Difference

A Symbol for Humanity

To look at him in that dark year of 1944, one would never suspect that Raoul Wallenberg had ever done anything remarkable in his life. Although born a member of an extremely wealthy Swedish family, he was an unimposing man–soft spoken, slightly balding, almost frail. Yet, he has been credited with saving up to 100,000 Jewish civilians of Budapest, Hungary from Nazi extermination.

His adventure began in March 1944 when Adolph Eichmann, a German SS officer, had been given the task of "liquidating" some 800,000 Hungarian Jews. Prompted by his business partner and the United States Legation in Stockholm, Wallenberg agreed to undertake a mission to Budapest to try and save as many Jews as possible.

The task seemed impossible. How was this one man going to thwart the Nazi death machine when so many others, seemingly more powerful, had tried and failed or had done nothing. His only weapons were courage, energy, and a cunning, resourceful mind. He could only hope these would be enough.

Arriving in Budapest in July, 1944 with the phony title of "attache" for the Swedish government, Wallenberg came up with an extraordinary idea. He began to distribute thousands of so-called "Swedish Protective Passports" to Jewish residents. These documents supposedly put the holder under the protection of the Swedish government. Actually, they had no real legal authority under international law. The only way to really make them work was with bluff, bluster and tough negotiations with the Nazi authorities and their Hungarian henchmen called the "Arrow Cross."

Once the passports were distributed to the Jews, Wallenberg established so-called "safe houses," also under Swedish diplomatic protection, for the refugees to stay in. These houses, paid for by the American War Refugee Board, were stocked with medicine and food by Wallenberg.

To make the plan work, Wallenberg often had to place himself on the cutting edge of danger. When he heard of a deportation, he would rush to the railway station and literally pull Jews off the trains under the noses of German guards. In one case, while trying to stop Arrow Cross troops from arresting Jews in a safe house, Wallenberg told a soldier "if you want to take them you will have to shoot me first."[1] Fortunately, the soldier gave in and left.

This war of nerves with Nazi authorities lasted for over six months. During that time, using his methods, he saved between 25,000 and 50,000 Jews. Some credit him with saving an additional 70,000 for his role in persuading the Nazis not to go through with their plan to blow up the Jewish ghetto in Warsaw.

The ending of the Raoul Wallenberg story is not a happy one. In spite of his diplomatic status, he was arrested by Soviet officials and placed under "protective custody."[2] Though the reasons aren't clear, he disappeared into Stalin's prison system and was never heard from again. The official Soviet position is that he died in a Moscow prison cell in 1947 of heart failure.

Since that time, however, there have been numerous reports from people who claimed to have seen Wallenberg alive in various Soviet prison facilities. These reports have spurred the creation of groups in the U.S., Europe and Canada working to find out more about Wallenberg's fate. All hope to arrange his release, if indeed he is still living. However, to all

"Raoul Wallenberg will always be a symbol of what one individual can do even in the face of impossible odds." *Wide World*

of the international inquiries about his survival, the Soviet response has remained the same: Nyet.

Although the final outcome of the Wallenberg story remains a mystery, one thing is clear. Raoul Wallenberg will always be a symbol of what one individual can do even in the face of impossible odds.

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[1]"Sweden's Mystery Hero," *World Press Review*, November 1980, p. 34.
[2]Stewart McBride, "Missing: Raoul Wallenberg, the Hero of the Holocaust," *The Christian Science Monitor*, A Pullout Section.

Strawberry Fields Forever

Once upon a time there were three little boys called John, George and Paul, by name christened. They decided to get together because they were the getting together type. When they were together they wondered what for after all, what for? So all of a sudden they all grew guitars and formed a noise . . . Still there was no beat, and a kindly old aged man said, quote 'Thou hast not drums!' . . . So a series of drums came and went and came . . . Many people ask what are Beatles? Why Beatles? Ugh, Beatles, how did the name arrive? So we will tell you. It came in a vision–a man appeared on a flaming pie and said unto them 'From this day on you are Beatles with an A.' Thank you, Mister Man, they said, thanking him.

This is the Gospel according to John Lennon, as it appeared in 1961 in the first issue of Mersey Beat, a threepenny paper devoted to the exploding Liverpool pop scene. Already at 20 Lennon was striking his characteristic note of self-mocking pride as he proclaimed a millennial event, the coming of the Beatles. His little piece is a parody of Scripture that yet insists that it *is* Scripture, a child's Scripture ("Thank you, Mister Man"), announcing a children's revolution. The revolution was to spread from the banks of the Mersey River in Liverpool to London to New York to the rest of America and the rest of the world. It was an epoch-making spasm in Western history, the moment when, at least for a time, the center of creative consciousness shifted to young people. And appropriately it was John Lennon who announced it, in the mock-apocalyptic style that was to become his signature as an artist, as a culture hero.

Lennon's personal style *was* the style of this revolution. He was an impudent lower-middle-class kid who from an early age had a sense of balked power. "When I was about 12," he said, "I used to think I must be a genius but nobody's noticed." That statement could stand as an epigraph to the entire '60s revolution. The kids said to the grown-up culture: "There's genius in us and you don't notice!" The Beatles were the most powerful incarnation of that feeling, and John Lennon was its spirit and driving force. The Beatles made people notice all right, from queens to archbishops to deep thinkers to the people who really ran the show, the moneymen. And they did it as pop musicians, riding the new techno-pop tribalism that rushed into the vacuum created by the self-destructive tantrums of Western civilization–the assassinations, the Vietnam War.

Trapped: The Beatles, of course, *were* kings. Lennon felt strongly the ambiguity of such dizzying success. As rock critic Jim Miller says, "Lennon was the first superstar to keep alienating himself from the role of star. It was the antithesis of what his music and his politics meant to be." "In Liverpool and Hamburg," said Lennon, "we played straight rock and there was nobody to touch us in Britain. Then Brian put us in suits and all that and we made it very, very big. But we sold out, you know. The music was dead. We killed ourselves to make it." The Beatles' brilliant 1964 film, "A Hard Day's Night," directed by Richard Lester, shows them not as triumphant superstars but as ironic kids trapped in their huge success and scheming to escape like four musketeers trying to evade the cardinal's evil cohorts.

At the same time the Beatles reveled in their fame and John made his notorious remark, "We're more popular than Jesus now." Church leaders were outraged, the Grand Dragon of the Ku Klux Klan in South Carolina burned a Beatles record on a cross, radio stations banned their records, and one station, KLUE in Texas, held a public burning of Beatles records. (Weirdly, the station was knocked off the air next day when a bolt of lightning struck its transmitter.) "I'm sorry I said it," said Lennon. "I never meant it to be a lousy anti-religious thing. Christianity just seems to me to be shrinking, to be losing contact. It's only in the last two years that I–all the Beatles–have begun looking for something else. We live in a moving hothouse. We've been mushroom-grown, forced to grow up a bit quick, like having 30- to 40-year old heads in 20-year-old bodies."

Shrine: As word of the shooting spread throughout the city, a spontaneous vigil began to form outside the Dakota. By 1 a.m., a crowd of nearly a thousand had gathered. They sang Lennon songs, lit candles and turned the building's gate into an impromptu shrine, covering it with flowers and pictures of John and Yoko. Within minutes, news of Lennon's death had been flashed around the world, sparking a public outpouring not seen since John Kennedy was assassinated in 1963. President Carter spoke of the irony that Lennon "died by violence, though he

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"President Carter spoke of the irony that Lennon 'died by violence, though he had long campaigned for peace . . .'" *UPI*

had long campaigned for peace"; President-elect Reagan pronounced it "a great tragedy."

In London, a portrait of the Beatles draped with a floral tribute was placed at the entrance to the Tate Gallery. "We usually do this when a British artist whose work is represented in the Tate dies," a spokesman said. "But we thought John Lennon was a special case." In Lennon's hometown of Liverpool, the lord mayor announced plans to hold a memorial service for him at the city's giant cathedral, and local teen-agers placed wreaths at the parking lot that was once the site of the Cavern club, where the Beatles had gotten their start. In New York, hundreds of thousands of mourners planned to gather for a Sunday afternoon memorial in Central Park, not far from the Dakota.

Of the three other former Beatles, only Ringo Starr came to New York to be with Yoko. George Harrison canceled a recording session and reportedly went into seclusion. And McCartney, who called his ex-partner "a great man who will be sadly missed," said he would mourn Lennon in private.

Distraught: The killing stunned the nation–and much of the world–as nothing had since the political assassinations of the 1960s. "At first I didn't believe he was really dead," said Chris Backus, one of a thousand mourners who assembled the next day at the ABC entertainment complex in Los Angeles to pay tribute to Lennon. "When I realized it was true, then–bang!–part of my childhood was gone forever." As the news spread, radio stations throughout North America and Europe threw away their play lists and began broadcasting nothing but music by Lennon and the Beatles. Even Radio Moscow devoted 90 minutes to his songs. "The phones started ringing right after the news and they didn't stop all day," reported disc jockey Traver Hulse of KATT-FM in Oklahoma City. "It was like losing a President." Distraught fans also descended on record stores, snapping up virtually every Lennon album available. "It was like they had just been robbed of something," said manager Gary Crawford of Strawberries, a downtown Boston record store. "They wanted to replace that something right away."

Newsweek, December 22, 1980.

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WORKSHEET: Categorizing the International Actors

International Organizations:	National Governments:	Intrastate Organizations:	Private Individuals

Definitions:

International organizations are groups whose members represent two or more nations. They can be separated into international governmental organizations (IGO's) and international nongovernmental organizations (NGO's).

National governments represent sovereign political territories.

Intrastate organizations include those groups that are located within a nation-state such as the government of the state of New York, as well as groups that are primarily based within a nation-state such as the Boy Scouts and Girl Scouts of America.

Private individuals is a category that includes a person acting in the international arena in a private capacity, that is, not as a representative of national government or an organization.

- Which of the international actors that you have listed are *not* government officials of government organizations?
  (Circle all of the non-governmental actors.)

International News Briefs

The following news items include many examples of *actors* in international affairs. An *international actor* is an individual or organization taking part in a transnational activity which affects world politics. You might not be an international actor if you flew from New York to California, but if you flew from New York to Bolivia to attend an International Women's Conference, you would be an international actor according to our definition.

Place each of the actors in the following news items under the correct column in the chart.

Item 1

Formosa Plastics Corporation of Taiwan is going to build a $100 million petrochemical plant in Texas. The Taiwan government is now encouraging companies to invest in other countries to aid its booming, but resource-poor economy.

Item 2

Three British Missionaries were released by Iran after six months in jail on spying charges. The Iranian government admitted that the charges were false and that the documents leading to the arrest were forged. The medical missionaries, members of the Anglican Church, intend to return to Iran when possible to continue their work.

Item 3

Basque Separatists who want to form an independent state from Spain, kidnapped three diplomats from Austria, Uruguay and El Salvador. The Separatist group demanded that Spanish newspapers publish an Amnesty International Report and a report of the Human Rights Commission of the Basque Parliament showing alleged mistreatment of Basque prisoners by the police.

Item 4

Margaret Thatcher, British Prime Minister, is urging members of the North Atlantic Treaty Organization (NATO) to extend their military influence to new regions such as the Persian Gulf. Alexander Haig, U.S. Secretary of State, agreed with Mrs. Thatcher that NATO needs to expand beyond its traditional geographical boundaries.

Item 5

Edwin O. Reischauer, a Harvard Professor and former ambassador to Japan, expressed regret that his comment about nuclear weapons caused such a furor in Japan. Reischauer said in an interview for a Japanese newspaper that U.S. ships carrying nuclear weapons routinely visit Japanese ports. Japan and the United States have a treaty which bars nuclear weapons in Japan without advance consultations.

ITT in Chile

Multinational corporations can play a direct role in international relations. Multinationals occupy this role when they pursue their own private foreign policies. The efforts of the International Telephone and Telegraph Company (ITT) to subvert Dr. Salvador Allende's regime in Chile during the early 1970's is one of the more dramatic illustrations of multinationals' direct role in international politics. Investigations by the subcommittee on multinational corporations of the U.S. Senate revealed that ITT had developed a rather complex strategy aimed at bringing an end to Allende.[1] The proposed action included:

1. Continue loan restrictions in the international banks such as those the Export-Import Bank has already exhibited.
2. Quietly have large U.S. private banks do the same.
3. Confer with foreign banking sources with the same thing in mind.
4. Delay buying from Chile over the next six months. Use U.S. copper stockpile instead of buying from Chile.
5. Bring about a scarcity of U.S. dollars in Chile.
6. Discuss with CIA how it can assist the six month squeeze.
7. Get to reliable sources within the Chilean Military. Delay delivery of gasoline to Air Force and Navy. (This would have to be carefully handled, otherwise it would be dangerous. However, a false delay could build up their planned discontent against Allende, thus bringing about necessity of his removal.)
8. Help disrupt Allende's UNCTAD plans.
9. Expropriations and nationalization of U.S. private investment without full and immediate indemnification is directly detrimental to the U.S. balance of payments. It serves to disrupt the equilibrium and faith in the dollar.
10. Chilean action against UPI should be blasted by the Inter-American Press Association and U.S. press in general. (*The Washington Post* even criticized U.S. tough policy in Chile. They should be made to eat their editorial now that UPI has been closed.)
11. *"El Mercurio"* of Santiago remains alive and continues criticism of Allende. Some aid should be considered for this paper.
12. U.S. taxpayer money to the Marxist government should be terminated

"Investigations by the subcommittee on multinational corporations of the U.S. Senate revealed that ITT had developed a rather complex strategy aimed at bringing an end to Allende." *UPI*

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"And they (the terrorists) go on believing in the justness of their cause, even when the rest of the world may think a terrorist's cause is wrong . . . and that terrorist methods are cruel, savage, and inhuman." *Wide World*

regarding money from funds in the "Aid Pipeline."

13. It is noted that Chile's annual exports to the U.S. are valued at $154 million (U.S. dollars). As many U.S. markets as possible should be closed to Chile. Likewise, any U.S. exports of special importance to Allende should be delayed or stopped.
14. The U.S. should consult with other governments whose nationals are suffering from the Chilean Marxists. This would include countries to which Chile owes money. Allende's treasury reserve is depleting rapidly and he has already suggested a moratorium on servicing his foreign debt.[2]

[1]Lee Anderson, *Schooling and Citizenship in a Global Age,* (Bloomington: Social Studies Development Center, Indiana University, 1979), pp. 216–217.
[2]*Multinational Corporations and United States Foreign Policy,* Hearings before the Subcommittee on Multinational Corporations, March 20–April 2, 1973, p. 953.

Terrorism: Where Is It? What Is It?

"My God, what is the world coming to when Puerto Rican Christians are machine-gunned to death by Japanese terrorists in Israel?"

The young woman, an American, wept as she stood in Israel's Lod Airport. Only minutes before, people had been scurrying to catch flights or eagerly awaiting the arrival of friends and relatives.

No one paid much attention when vacation-bound passengers stepped off an Air France flight and walked toward the luggage area. In the crush of people, no one paid much attention as the three young Japanese men picked up their luggage from that Air France flight. And then it happened. A tidal wave of terror turned the passenger lounge into a slaughterhouse.

The three Japanese, armed with machine guns and hand grenades plucked from their luggage, attacked. They hurled grenades in every direction and raked the crowd with hundreds of bullets, aiming at no one in particular. In the three to four minutes of killing frenzy, the terrorists lost control of time and direction. One died from the explosion of his own grenage. Another was cut in half by the bullets of another terrorist firing wildly into the crowd.

When the shooting and screaming subsided 24 people were dead, 16 of them Puerto Ricans on a pilgrimage to the Holy Land. Another victim died two days later. Seventy-six people were wounded.

It was one of the most bloody and bizarre events of 1972, a year in which the number of people killed and wounded in terror attacks nearly doubled. But it was not a unique event. Terrorism today is a world-wide phenomenon. There is hardly a country that has not felt the sting of terrorist bombs and bullets.

During the holiday season just past, bombs exploded in five British cities, in northern Spain, and in the Middle East. Italian businessmen traveled in bullet-proof cars, fearful of having their kneecaps shot away by terrorists. In 1978, American businesses paid more than $7 billion for anti-terrorist security.

But in the midst of all the headlines one question often gets lost. Simply, "What is a terrorist?" In this issue, we'll try to answer that question.

What Is a Terrorist?

by Peter M. Jones

Is there any such thing as a "typical terrorist"? Are terrorists insane? Why do they do what they do?

"Why do we do it? Why do so many young men take up arms and dash people to death? Do you think Palestinians love to kill? Of course not. But I am committed to saving my people; my

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The face of terror. Munich Olympics, 1972. *Wide World*

people who are living in squalid camps and who have no rights, no identity. How would you act? That is what people should ask.

–Bassam Abu Sharif, A Palestinian leader

"I had a very good relationship to my parents, but they were sympathizers of Hitler. As I learned something about that historical period, I asked myself how it was possible that they didn't resist, didn't fight against the fascists. . . . "If we criticized our parents' generation, then we had to be consistent and fight. . . We were quite aware of the fact that if we wanted to fight with arms it would be necessary to kill."

–Horst Mahler, former member of the Baader-Meinhof gang, a West German terrorist group

Two different people. Two different lands 2,000 miles apart. Two different views of terrorism. In the past 10 or so years, hardly a week has gone by without a news report about another terrorist attack. *Who* are these terrorists? And *what* is it they hope to accomplish?

Is there a "typical terrorist"? Are terrorists insane? Is there any explanation for the terror they inflict upon people?

An exploding bomb sends bits of metal flying at supersonic speed into a victim's body. Should the wounded victim then ask: Did that bomb come from a terrorist fighting for a *just cause*, or an *unjust cause*?

No, a victim in pain and shock would almost certainly *not* ask that question. But it *is* a question in many people's minds.

A just cause–for at least the people who believe in it–can justify using terror tactics to publicize or advance their cause. So, there is probably only one definition of "terrorist" on which almost all people would agree: "A true terrorist is someone who kills people of *all* religions, nationalities, and economic levels for no apparent reason whatever." But, as soon as any group of people anywhere can understand and agree with that terrorist's goals, then one person's "terrorist" may become another person's "freedom fighter."

Most Americans, for example, would be shocked to hear of the nation's founding fathers described as "lawless rabble." But that's what King George III of England called them in 1776. Most American high school students would feel uncomfortable if their history books read like one currently being used by high school students in Britain:

"In America the war of independence was a real civil war," says that text, explaining that thousands of colonists fought with a fury alongside the British, against their fellow Americans, and were later the victims of "rebel vengeance."

The point is *not* that American rebels were terrorists. Rather, it is that people's ideas about terrorism may change according to the time and circumstances. Terrorists have sometimes played important roles in the independence movements of some countries. Among them: Ireland, Israel, Algeria, and Kenya.

The big problem, then, is that there is simply no definition of terrorism that is accepted by everyone. In 1973, for example, special United Nations committees spent four weeks trying to come up d ith a definition of terrorism. That U.N. committee finally gave up. Another such meeting was held last summer. Again, there was no agreement.

"The heart of the problem," says a recent report on terrorism, "lies in different moral perspectives and priorities. Terrorists refer to themselves as revolutionaries or members of liberation movements. Stated simply, what is terrorism to some is heroism to others."

Experts who have studied terror groups all over the world say there are basically two kinds of terrorists. The goals of the first kind are easy to understand. They want land.

The Palestine Liberation Organization says it kills Israelis because it wants a Palestinian homeland in Israel. The Irish Republican Army (IRA) kills British soldiers and Irish Protestants because it wants the British out of Northern Ireland. The IRA wants that part of Ireland to become part of the Republic of Ireland in the South. The South Moluccan terrorists say they were promised independence and that their islands should become independent of Indonesia. And so they kill and take hostages.

Bassam Abu Sharif, the Palestinian leader, would fit into this group. Millions of people hate his crusade, but at least they understand what it is he wants.

Terrorists like Horst Mahler (quoted at the beginning of this article) are very much harder to understand. Groups like the German Baader-Meinhof gang to which Mahler belonged, the Japanese Red Army, and the Italian Red Brigades want to do much more than just bring down a political leader or government. They want to change the world. They believe that the entire system–the government, the economy, the educational system–is corrupt. They want to destroy it all and start all over again.

"The Red Brigades is anti-American, anti-Soviet, anti-Italian Christian Democratic party, and anti-Communist party," says Michael Ledeen, an expert on terrorist groups. "What it wants is a revolution-

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and it proposes to get it at any cost."

But do the Red Brigades really believe that a few kidnappings, bombings, or shootings can bring Italy–a nation of 56 million people–to its knees?

"We know that we are not going to bring the state crashing down in a couple of years," a Red Brigades follower told *Newsweek* magazine. "But each of these blows speeds the process of decay."

Believe it or not, the terrorists plan goes something like this: As terror continues, the government will clamp down on *everyone's* freedom. In order to stop terrorism, the government will become a harsh dictatorship. Eventually, say the terrorists, the people will launch a revolution to overthrow the dictatorship and a new system will be created.

But who are these people? A recent U.S. Air Force project studied the backgrounds of 350 terrorists from 18 different terror groups.

First, says the Air Force study, most terrorists are young (22-24) single males. (Leaders are older.) Most have gone to college, although they may not have graduated. Women terrorists–except for the West Germans, and a few in the Irish Republican Army, Japanese Red Army, or a splinter group of the PLO–usually are not leaders.

One of the most surprising findings is that terrorists–with the important exception of some members of the Irish Republican Army–are almost always from the middle or even upper classes.

Although all terrorists cannot be lumped together, it is probably accurate to say that most are well-educated, angry and absolutely convinced that their cause is right. And they go on believing in the justness of their cause, even when the rest of the world may think a terrorist's cause is wrong–even stupid–and that terrorist methods are cruel, savage, and inhuman.

Senior Scholastic, (New York: Jan Kardys–Scholastic, Inc.), February 8, 1979, pages 7 and 10.

Red Cross Goal: New Rules for Victims of War

Geneva–The International Red Cross, after 100 years of humanitarian service, is going through one of the most difficult periods in its existence, beset by criticism, misunderstanding and the changing nature of war.

Still, the Red Cross, whose headquarters are in this Swiss city, hopes to prevent hardening of its internal arteries and, at the same time, establish new rules for treating victims of war.

How well it succeeds in getting the world's nations to subscribe to new Geneva conventions for the conflicts of the 1970s may well determine the fate of the organization.

In May, experts from around the world will gather in Geneva to try to formulate new rules for the care of victims of guerilla conflicts and civil wars, with an aim toward expanding the traditional prisoner-of-war category to include under the conventions those in these categories.

The difficulties of the Red Cross in performing its traditional role have been immensely complicated by the problems of "civil" conflicts such as those in Nigeria-Biafra, Pakistan-Bangladesh and Vietnam.

In the 1949 Geneva conventions, 125 nations signed an agreement providing for the treatment of victims of international conflicts. But, increasingly, countries have differed in their interpretation of what constitutes an international war or a civil war.

Some critics charged that the Red Cross performance in Nigeria, Pakistan and Vietnam was not all that it should have been. They claim, too, that the Red Cross is too inbred, run by a small group of French-speaking Swiss, unresponsive to the aspirations of the black and yellow peoples of the world.

Further, the critics allege that the Red Cross has too often pussyfooted when dramatic, direct action was called for.

For its part, officials at the Red Cross headquarters here, known informally as La Maison (the house), insist that the organization is doing its best to maintain the delicate balance of impartiality, neutrality and independence.

What is generally known as the International Red Cross is actually three organizations with a total of 225 million members.

First, there is the International Committee of the Red Cross, an all-Swiss organization whose function is to supervise the Geneva conventions, work toward development of humanitarian international law, and in time of war act as a neutral intermediary to help prisoners and victims.

Second, there is the League of Red Cross Societies, with headquarters in Geneva and representatives from various countries, which organizes and coordinates Red Cross international relief operations and assists national Red Cross societies in pre-disaster planning and supplying technical services.

Third, there are the 115 national societies themselves, such as the American Red Cross, which operate in each country and comprise almost all of the Red Cross membership.

The Red Cross had its origin in the trip of a young Henri Dunant of Geneva to the battlefield of Solferino in northern Italy where the Austrians, French and Pidemontese fought in 1859. He wrote a moving book called "A Memory of Solferino" and suggested the development of voluntary aid for soldiers wounded and abandoned in battle.

In 1863, four Genevese citizens joined Dunant in forming what was to become the International Committee of the Red Cross. The first national relief societies were formed soon after.

The reason for the choice of the Red Cross emblem is unknown, but it is generally believed that it was selected because it was an easy insignia to devise on the battlefield, using blood on bandages if necessary. Later, it was thought fitting that the emblem should be the reverse of neutral Switzerland's national flag.

The cross was not meant to signify a Christian symbol. But during the Russo-Turkish War of 1877-78, the Ottomans protested that their Muslim soldiers found the cross offensive, and they substituted the red crescent, which is now the official symbol for many Muslim countries in the Middle East.

In 1929, Iran was granted the right to use the Red Lion and Sun as its national society emblem. But Red Cross officials are unhappy about proliferating national insignias; they recently turned down the Sudan's request to use the red hippopotamus.

"Once an emblem becomes overly identified with a national cause," explains one Red Cross official here, "it loses its value as a symbol of international protection."

Most people, when they observe the Red Cross in action, see the national societies, which have by far the biggest share of the budgets, and which go into action whenever natural disasters strike.

And, indeed the continuing occurrence of natural calamities–earthquakes, floods, typhoons and epidemics, particularly in underdeveloped countries–provides a never-ending challenge to the

League in Geneva and the resources of the national Red Cross societies.

The most controversial branch of the Red Cross is the International Committee, known as the "ICRC," which usually has about 25 Swiss members and a staff of 228 permanent employees.

For many years, the job of the ICRC was fairly clear cut, though not necessarily easy. Acting impartially, it aided the wounded and prisoners of war of all countries party to an international conflict.

Even in the holocaust of World War II, the Red Cross managed to attend some wounded and keep tabs on prisoners.

In 1949, a revised Geneva convention was drawn up designed to protect more adequately the civilian populations in wartime.

But in recent years, most major wars have consisted of various forms of internal conflicts–or so at least some of the belligerent parties have claimed.

Thus, Nigeria has insisted that the war with Biafra was an internal matter. Similarly, Pakistan viewed the conflict with East Bengal (now Bangladesh) in the same light.

North Vietnam has maintained that the Indochina conflict is a civil war and, thus, that American pilots held prisoner
52 are "war criminals" not subject to protection under the Geneva Convention, to which Hanoi is a signatory.

"We are naturally frustrated by our inability to reach the prisoners in North Vietnam," admits Jean-Louis Le Fort, secretary general of the ICRC, "but we like to think that our efforts at least may have kept the North Vietnamese from executing the pilots as war criminals, as they once threatened."

In Africa, the ICRC was surrounded by controversy when the Nigerians ordered the Red Cross no longer to fly relief planes into breakaway Biafra, on grounds they were aiding the insurgents.

Some critics accused the Red Cross of knuckling under to Nigerian threats. "But in Nigeria," explains Secretary General Le Fort, "we were aiding more than one million people in the liberated area of the federal territory in addition to more than a million in Biafra. If we went into Biafra, as some of the other charitable organizations did, we could never have operated in federal territory. Our value is our impartiality and neutrality; we don't take sides. We are there to help the wounded and prisoners of both sides."

Thus the Red Cross does not "choose" a side in any conflict, as some other international charitable agencies are able to do.

The Red Cross is sometimes criticized because of the secrecy which surrounds its operations and for the fact that it does not publicly condemn a nation whose conduct seems to be in violation of the Geneva Convention.

But as Max Petitpierre, a committee member, says: "It may be thought that by making known all the unpleasant facts observed by its representatives, the International Committee of the Red Cross would mobilize public opinion against a government and would compel it to come to terms. This is wishful thinking. The most obvious result would be a general stiffening of the attitude of the government concerned, perhaps even to the point where it would refuse to have anything to do with the ICRC. Persuasion is the ICRC's only weapon."

The Red Cross has been criticized, too, because the International Committee is composed entirely of Swiss. But a Red Cross official replies, "We feel that we are more effective when our representatives are all nationals of the same neutral country. International power politics therefore never interrupt our work–as often happens with politicized United Nations committees drawn from various competing nations."

Thus the Red Cross committee continues to work against the odds, often in countries where its representatives are considered nuisances, or embarrassing witnesses, or even spies.

It visits prisoners on both sides of the Arab-Israeli conflict in the Middle East. Its courageous representatives played a key role in obtaining the release of hostages of the Palestinian guerrillas.

It has looked after wounded and prisoners, even political prisoners, in Hungary, North Africa, Tibet, Yemen, Ethiopia, Greece, India and Pakistan, and Southeast Asia, in addition to the Middle East.

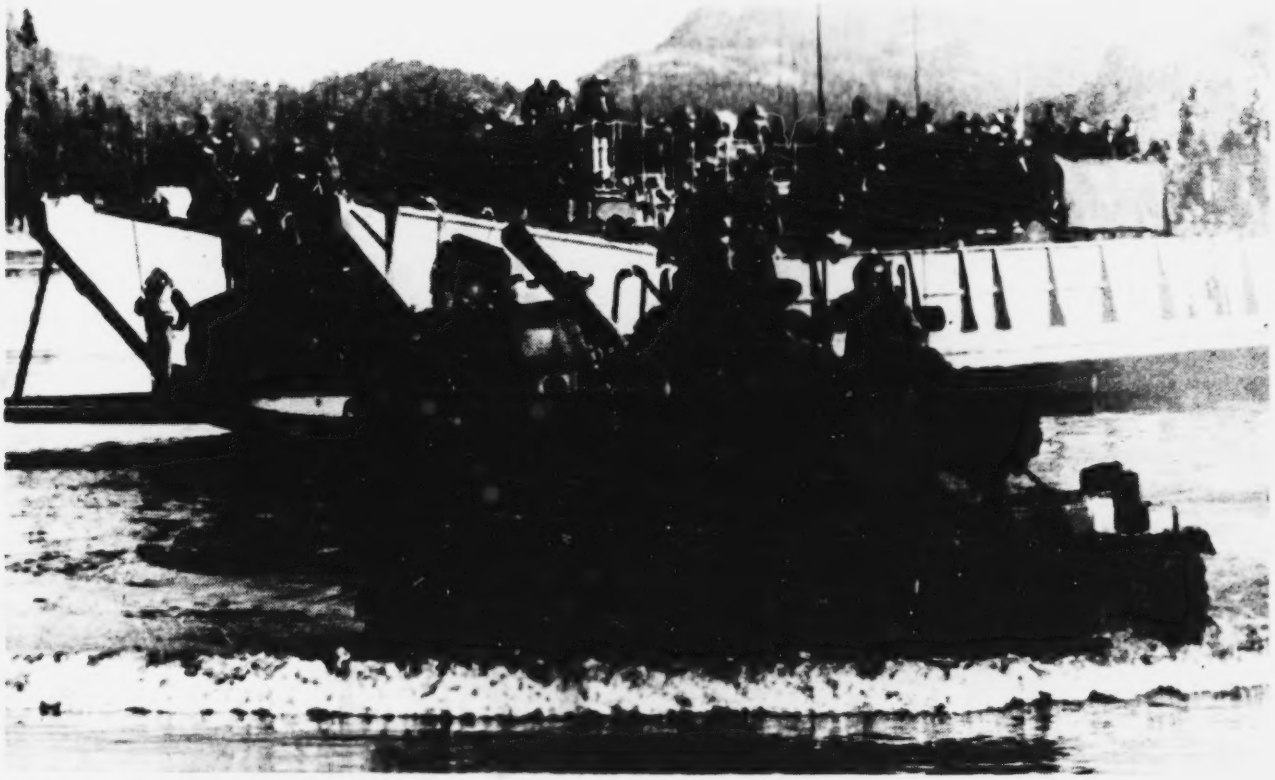
It maintains an international tracing agency to keep records on prisoners and civilian internees from the time of World War II onward.

And the committee believes that its activities have sometimes led directly to peace: in the Dominican Republic, for instance, a cease-fire arranged by the Red Cross to remove dead and wounded turned into a permanent one, resulting in the end of the conflict.

When wars end, the international committee turns over the job of relief to the League of National Societies, which then shoulders the burden of caring for the homeless.

"In these new kinds of wars," says Secretary General Le Fort, "the Red Cross committee has not been as effective as we might have liked. That is why we are trying to draw up new rules for prisoners and victims in civil wars and guerrilla fighting. But as long as you have human conflict, you will need an outside neutral agency like the International Committee of the Red Cross to reduce human suffering on all sides."

W. Tuohy, *Los Angeles Times,* Part I, April 4, 1972, pp. 1 and 20.



NATO Exercise: "Each member promised to help other members to keep up their ability to resist attacks." *UPI*

Regional Security Organizations: NATO and the Warsaw Treaty Organization

NATO stands for the North Atlantic Treaty Organization. Like the Organization of American States, the North Atlantic Treaty Organization and the Warsaw Treaty Organization each have a membership which is limited to a specific region of the world. However, unlike the OAS which deals with a broad range of issues, these two organizations deal specifically with issues of security.

On April 4, 1949, representatives of twelve nations met in Washington, D.C. to sign the North Atlantic Treaty. The twelve nations were Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, The Netherlands, Norway, Portugal, The United Kingdom, and the United States. The North Atlantic Treaty Organization (NATO) was born. Turkey and Greece were admitted to NATO in February, 1952, and the Federal Republic of West Germany in May, 1956. (The map on page 54 shows the locations of the NATO members.)

The NATO was formed to protect Western Europe against domination by the Soviet Union. At the end of World War II, in 1945, the Soviet Union loomed as the overwhelming power in Europe. This power was used to control the political reorganization of the countries of Eastern Europe: Poland, Czechoslavakia, Hungary, Romania, Bulgaria, Albania and Yugoslavia. We do not know whether the Soviet leaders planned to try to win control of Western Europe. Nonetheless, the leaders of many of these nations felt threatened and looked to the United States of America for help in finding a way to stand up to Soviet pressures. The result was the formulation of NATO.

Main Features of the Treaty

Here are the main features of the North Atlantic Treaty:

1. An armed attack against one member is to be considered an attack against all. Each member promised to help other members in the event of an attack and to help other members to keep up their ability to resist attacks.
2. Members promised to consult with one another whenever any one of them believes that the territory, independence, or security of a member is threatened.
3. Members agreed to establish a council, now known as the North Atlantic Council, to deal with matters involved in carrying out the Treaty. This council was given power to create lesser groups to assist it in doing its work.
4. NATO is not meant to be an organization to which the members surrender their rights as fully sovereign, or independent nations.

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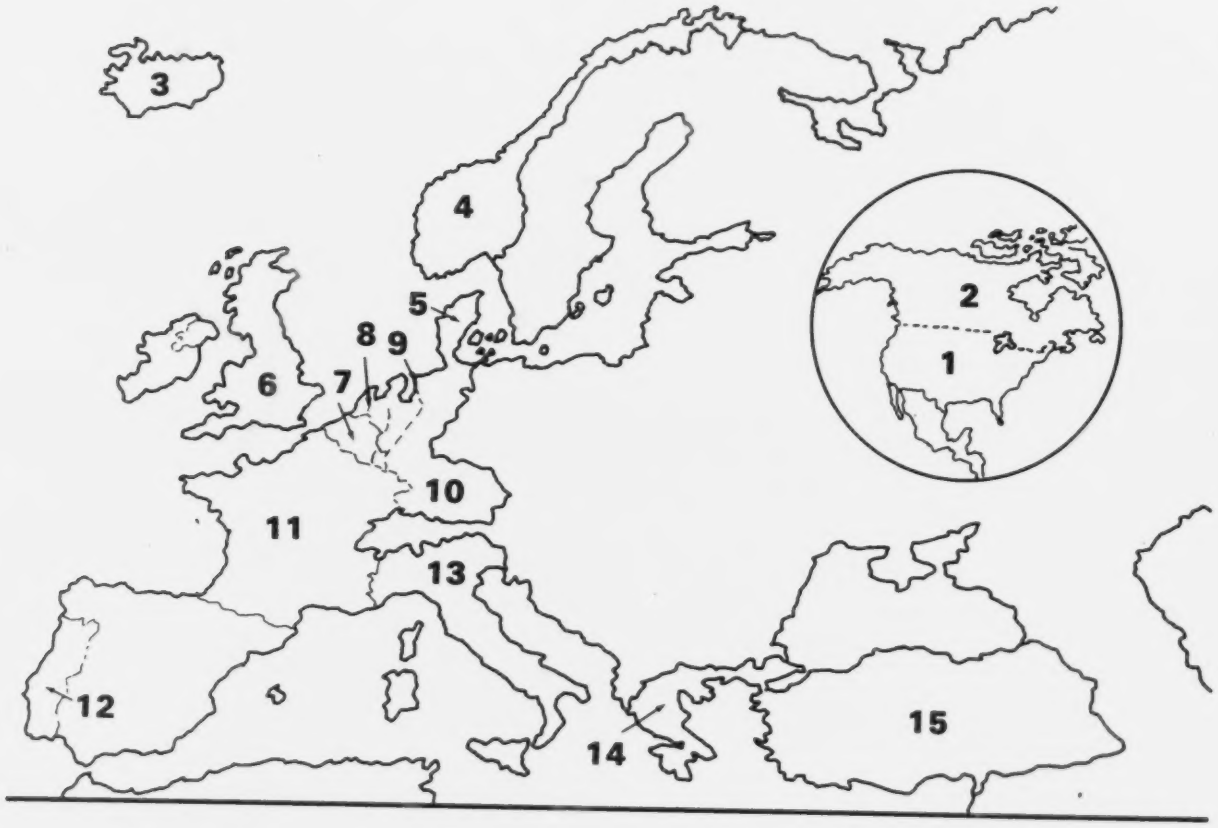
NATO



1. United States
2. Canada
3. Iceland
4. Norway
5. Denmark
6. U.K.
7. Belgium
8. Netherlands
9. Luxembourg
10. W. Germany
11. France
12. Portugal
13. Italy
14. Greece
15. Turkey

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Organizational Structure and Rules

The main body of NATO is the North Atlantic Council, which includes a representative from each of the member countries. The Council meets twice a week. The presidency of the Council rotates among the members annually.

All decisions of the Council are supposed to be made unanimously. If there is strong opposition to a proposal, the matter usually is dropped unless an acceptable compromise can be made.

No decisions of the Council are binding on members. As an independent nation, each member is free to interpret and carry out any decision of the Council as it sees fit.

As the major decision making body of NATO, North Atlantic Council has responsibility for resolving problems about the budget and administration of the organization. It also has the duty of deciding how NATO is to carry out its primary mission–which is to provide security for members against attack by an outside power, in particular, the Soviet Union.

The Secretary General is the chief executive of NATO. He prepares the agenda for meetings of the North Atlantic Council and is responsible for carrying out decisions of the Council. The secretariat, or international staff, is a set of specialized agencies that assist the Secretary General in implementing the decisions of the Council and in doing the day-to-day work of NATO.

The Secretary General represents NATO in its dealings with government leaders of member nations and nonmember nations and with leaders of other international organizations. The Secretary General serves as the link between the "civil structure" and the "military structure" of NATO. He sees to the coordination of civilian and military affairs and insures that the military command remains subordinate to the civilian leaders of government who are supposed to run NATO through the North Atlantic Council.

Factors of Influence

The formal decision rule in the North Atlantic Council is decided by consensus, or unanimous consent. According to the formal rules, one nation may veto, or block a decision. While the appearances of a consensus decision rule are observed, the actual practice of decision making is quite different. On these most important decisions, a *plurality* decision rule tends to operate. Occasionally, an elite decision rule seems to function.

Representatives of the U.S.A., the United Kingdom, France, and West Germany have tended to be the dominant members of the North Atlantic Council. The resources of these four members vastly outweigh the resources of other member nations. In particular, the resources of the U.S.A. are greater than those of all other NATO nations combined. For example, the 300,000,000 West Europeans produce only half as many goods and services and can afford to spend only one-fifth as much on their defense as 220,000,000 Americans. These four NATO members with the most resources often can have their way in the Council despite the disagreement of other members. Occasionally, the U.S.A. has had its way despite the seeming disagreement of all other members.

One major factor of influence in NATO decision making is the amount of a member's contributions to the NATO defense forces. Those who contribute more are able to have more say about what NATO should do. The following table shows the large contributions of the U.S.A. relative to other members.

Contributor	Annual Defense Expenditure (in millions of dollars)			
	1954	*1965*	*1970*	*1974*
U.S.A.	$42,786	$51,827	$77,854	$84,332
All European Members	$11,756	$20,606	$24,607	$44,442

Despite its dominant wealth and military power, the U.S.A. cannot do anything it wants to do in NATO. For example, in 1966, France withdrew from active participation in the NATO military command (while retaining active membership in other facets of the organization) despite the disapproval of the U.S.A. The U.S.A. also was unable to gain acceptance of its proposals of a multilateral nuclear force. In addition, the U.S.A. has had to take account of European views in decision making about the use of nuclear weapons. These are merely a few examples among many to indicate that the U.S.A. is not in a position to dictate every decision made in NATO.

NATO members with less wealth and military power can often have some influence on decisions through their use of special knowledge and political skill in presenting arguments. If they make a good case for a particular decision, they may influence the four major NATO nations–France, Great Britain, West Germany and the U.S.A.–to agree with them.*

*J.A. Gillespie and J. J. Patrick, *Comparing Political Experiences, Political Systems,* (Indiana: Department of Political Science, Indiana University, 1975), pp. 141–152.

The Warsaw Treaty Organization: Eastern Europe Counterpart to NATO

An Introduction to the Soviet Bloc

The *Soviet Bloc* is the name given to a group of seven countries of Eastern Europe: The Union of Soviet Socialist Republics (USSR), Poland, East Germany, Czechoslovakia, Hungary, Romania and Bulgaria. *Communism* is the fundamental characteristic shared by the Soviet Bloc nations. (See map on the following page.)

These seven Communist nations of Eastern Europe are thought of as a bloc, because they tend to cooperate closely and to stand together to oppose common enemies. This group of nations is thought of as a *Soviet Bloc,* because the USSR, or Soviet Union, is the dominant nation of the group. Mongolia, a Communist country of central Asia, is also linked very closely with the Soviet Bloc nations through domination by the USSR.

The Warsaw Pact

The Soviet Bloc countries are connected formally by a military organization: The Warsaw Treaty Organization (Warsaw Pact). The Warsaw Pact was signed in Warsaw, Poland on May 4, 1955. The purpose was to establish a military alliance between the USSR and six friendly East European neighbors. The signers of the Warsaw Pact pledged to help one another in the event of an armed attack and to cooperate closely in the development and placement of armed forces. An international military organization was established to coordinate the armed forces and military planning of the Warsaw Pact countries.

Since 1955, the Warsaw Treaty Organization has had three commanders: (a) Ivan S. Konev, (b) Andrei A. Grechko and (c) Ivan I. Yakubovsky. Each of these men is a Marshal of the armed forces of the Soviet Union, which is the highest rank in the Soviet army. All top-level positions of the Warsaw Treaty Organization are held by military officers of the Soviet Union. The main headquarters of the Warsaw Treaty Organization is in Moscow, USSR.

The following table shows the armed forces which have been contributed to the Warsaw Treaty Organization. The statistics for the Soviet Union show armed forces of the USSR stationed within four of the Warsaw Pact countries: Czechoslovakia, East Germany, Hungary and Poland.*

Armed Forces Contributed to Warsaw Treaty Organization (1971)

Country	*Army Personnel*	*Divisions*	*Tanks*	*Aircraft*
Bulgaria	125,000	12	2,000	250
Czechoslovakia	175,000	13	2,700	600
USSR	65,000	5	--	--
East Germany	90,000	4	1,800	270
USSR	254,000	20	7,500	1,100
Hungary	90,000	6	750	140
USSR	55,000	4	1,400	350
Poland	185,000	15	3,800	750
USSR	25,000	3	700	350
Romania	170,000	9	1,200	240
TOTAL	1,234,900	93	21,850	4,050

*J.A. Gillespie and J. J. Patrick, *Comparing Political Experiences, Political Systems,* (Indiana: Department of Political Science, Indiana University, 1975), pp. 154–157.

"The signers of the Warsaw Pact pledged to help one another in the event of an armed attack and to cooperate closely in the development and placement of armed forces." *Wide World*

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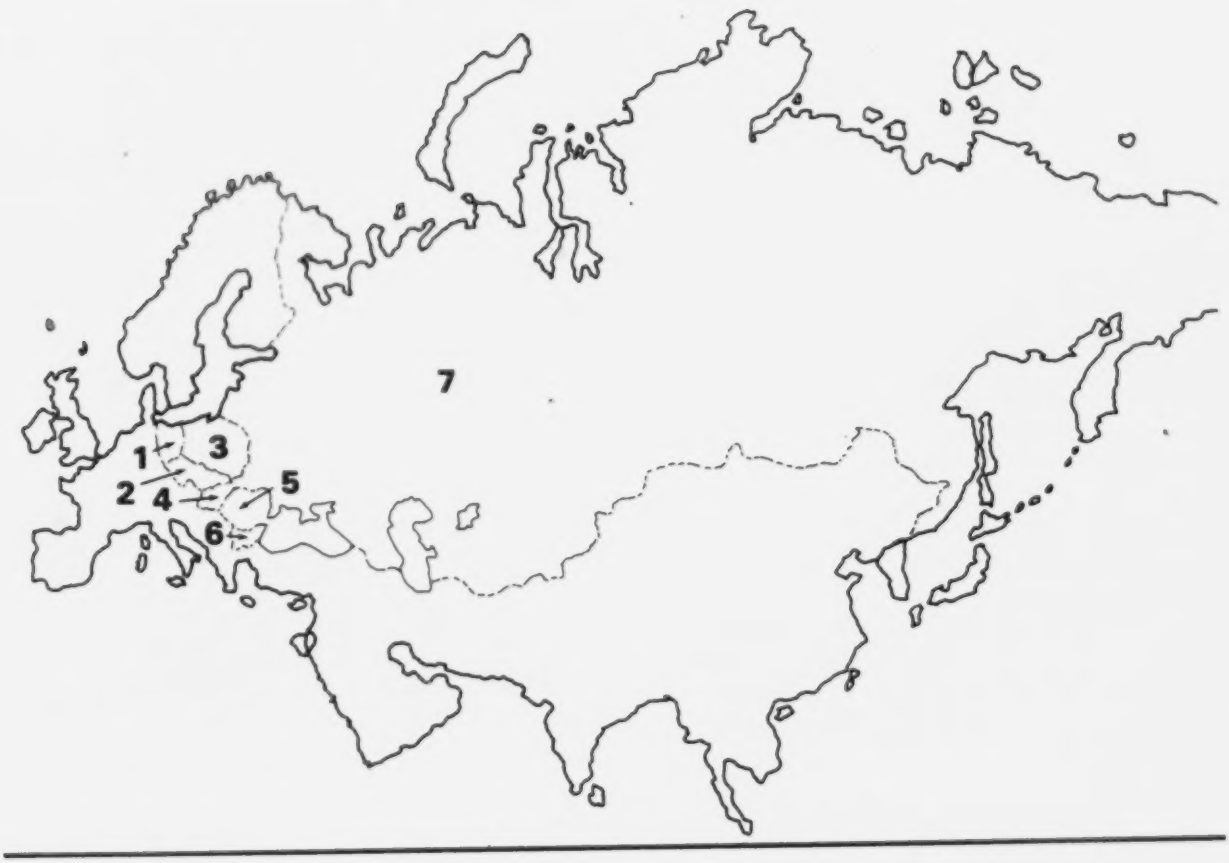
Soviet Bloc



57

1. East Germany
2. Czechoslovakia
3. Poland
4. Hungary
5. Romania
6. Bulgaria
7. USSR

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"America Held Hostage: The Secret Negotiations"

Transcript of ABC-TV, January 28, 1981

Announcer:
Tonight, instead of our prime time schedule, ABC News will broadcast an update of the astonishing report, *America Held Hostage: The Secret Negotiations.*

For the next three hours, you will see an almost unbelievable account of the international intrigue, shadowy figures and secret meetings. This chronicle was pieced together by Pierre Salinger, Chief of the ABC News Paris Bureau, and a task force of sixty ABC producers, editors and camera people.

Salinger:
The story has all the elements of a fictional spy thriller, but it is all true. We will tell you that story tonight, much of it for the first time, in great detail.

You will learn how, when it seemed nothing or very little was being done to liberate the hostages, there was a continuing secret activity. We will tell you about secret meetings and reveal to you a number of heretofore secret documents. It is the story of the search for freedom of the American hostages.

Reporter:
The Iranian students went over the wall November the fourth, 1979, a damp and chilly Sunday morning, about four hundred of them. No serious attempt was made by the Embassy's Marine security guards to defend the installation. They were told to use tear gas, but not bullets. In theory, the tear gas was supposed to buy enough time for the Embassy staff to destroy all secret documents. The plan failed.

According to one of the militants, the actual takeover was plotted by seventy to eighty radical Islamic students a few days after the Shah arrived in New York. They were led by the Ayatollah Khomeini, a cleric with political ambitions.

Salinger:
No nation in modern times had ever confronted such a problem. Its diplomats were held hostage in a bitterly hostile and unpredictable country, with the approval of that nation's government. It was not surprising, therefore, that the first reaction of the United States was to cast a wide net across the world seeking anyone, anywhere to help resolve the crisis.

Salinger:
On November 6th, just two days after the hostages were taken, the United States turned to Habib Chatty, the veteran Tunisian diplomat who was the newly-elected Secretary General of the Islamic Conference, and asked him to set up a direct communications with the Iranians. It was Chatty who gave the Americans for the first time Iran's official and uncompromising demands.

Habib Chatty:
First, that the Shah be released to the Iranian government. Secondly, that his wealth be repatriated to Iran. Third, that the United States recognize all of the harm that they have done to Iran. Four, that the United States agree not to intervene anymore in the internal affairs of Iran. Until such time as these conditions have been met, no release of the hostages can be expected.

Salinger:
Except for the addition of the demand for the return of Iranian assets seized ten days after the hostages were taken, and the dropping of the demand for an American apology, Iran's conditions for the release of the hostages remained the same as the demands Chatty reported to the United States government. The net also activated Austrian Chancellor Bruno Kreisky in Vienna, producing its first success.

Bruno Kreisky:
I found out that the only institution, the only organization which had a strong position in the new Iran, with the revolutionary Iran, was the PLO, the Palestine Liberation Organization. So I tried to contact the leader of the PLO, Mr. Yasir Arafat, to find out to what extent he could be and he would be helpful in solving the hostage problem. I contacted him very early, immediately after the story of the hostages happened.

I found him extremely cooperative, and personally I believe, and I am convinced, that the first of the hostages who were released from Teheran were released probably because of the assistance of Mr. Yasir Arafat and the Palestine Liberation Organization.

Salinger:
The PLO initiative Kreisky told us about brought the release of thirteen hostages in November of 1979. It was strange that Yasir Arafat, a man who is such a sworn enemy of the United States, would perform for it such a valuable service. The release of these hostages raised hopes that others would soon follow. It did not turn out that way.

American diplomats in Teheran had warned the United States State Department that the Embassy compound was not adequately protected. It urged them to prevent the ousted Shah of Iran from coming out to the United States.

The Shah came anyway with the help of friends, former Secretary of State, Henry Kissinger, and David Rockefeller. By the end of November, it was plain that the Shah could not stay in the United States. One of the world's richest men was now a "man without a country."

On December 15, the Shah went to Panama. The intense negotiations to return the Shah to Iran in exchange for the release of the hostages failed after many efforts by representatives of the United States, Panama and Iran. The Shah finally went to Egypt where he died. Thus another series of negotiations ended in failure.

Reporter:
Day 59, January 1, 1980: United Nations' Secretary General Waldheim arrives in Teheran to negotiate the release of the hostages; but public hostility to Waldheim will cut short his visit.

Salinger:
The United Nations' Secretary General should not have gone to Teheran in the first place. From the moment he arrived in Teheran on January first to his hasty exit on January fourth, it was a disaster. Tonight we are going to tell you the inside story of the Waldheim mission, and why he failed.

Before Waldheim left for Teheran, the American government made it clear to the Secretary General that it was fundamentally against the idea of the United Nations Commission investigating past United States crimes in Iran. For the United States it would have been a considerable embarrassment, and the mood

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in America would not support the idea of the United States apologizing.

But the Americans also knew that what the Iranians wanted most of all at that time was just such an investigation. The United States told Waldheim it was ready for a trade-off: if the Iranians will release the hostages, then Iran can have its United Nations Commission and investigate past United States' actions in Iran to its heart's content. It was the best negotiating card the United States had at that time, and the only thing they were willing to put on the table.

The fact is that Waldheim was in a state of panic when he met with the Revolutionary Council and did not stick to the plan agreed on with the American government. Waldheim reversed the plan. He proposed a United Nations Commission that would go to Iran without any prior agreement on the release of the hostages.

Waldheim's reversal would prove a crucial error in the hostage crisis. He had given away the best negotiating card the United States had at that time, the creation of a commission to investigate alleged United States' crimes in Iran, and he had nothing for it, not one single hostage.

Following Waldheim's unsuccessful visit, came a suggestion from Iranian Foreign Minister Ghotbzadeh on how to break the impasse over the proposed commission. If the United States would accept the idea of the United Nations Commission without the prior release of the hostages, Iran would accept the idea of asking the commission to see all the hostages.

That idea was tantalizing to the Americans at that time because they were very concerned about the conditions in which the hostages were being held. Let's listen to Hamilton Jordan, President Carter's White House Chief of Staff:

Jordan:

At that point in time we did not know if all of our hostages were alive or well or how they had been treated. So . . . the Commission going to Iran and seeing each of our hostages was a very critical element of the scenario, and tested at the outset the government's ability to get into the compound and to see the hostages.

Salinger:

This new plan called for Iran to ask the Commission to see the hostages while they were in Teheran, and called for the United States to agree to the creation of the Commission without the prior release of the hostages provided that the Commission see all the Americans.

But the scenario went further than just the creation of the United Nations Commission. Contrary to what was being said in public, the plan was for President Carter to issue a statement, once the hostages were freed, which regretted the grievances felt by the Iranian people because of past actions of the United States in Iran.

Simultaneously, Iran would admit it committed a moral mistake in taking the hostages, and would agree to abide by international laws. Christian Bourguet, a French lawyer, and friend of Iran's Foreign Minister was helpful in the negotiations. He recalls the provisional language that the Iranians insisted upon.

Bourguet:

What the Iranians wanted was for the American government to recognize the interference of past American administrations in the internal affairs of Iran.

For example, the training of the Shah's police by American experts, the role of the CIA in Iran, and the return of

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the Shah. And the Iranians wanted the Americans to commit themselves to non-interference in the internal affairs of Iran.

Salinger:

By March 8th, thirteen days after the Commission arrived in Teheran, they had still not seen the hostages. The members of the Commission were getting restive and applying increasing pressure on the Iranians to carry out their promise.

Then, on March 10th at the Hilton Hotel, the Commission gathered to meet Ghotbzadeh who arrived in a state of agitation. He had just learned at a meeting of the Revolutionary Council that the Ayatollah Khomeini had decreed the Commission could not see the hostages without first issuing a partial report of their findings, something which was not in the scenario.

The Commission rebelled. They insisted on sticking to the scenario and making their report on their return to New York. The United Nations Commission plan added up to another failure.

As March came to a close, the hostages had been imprisoned in Teheran for more than 140 days. Frustration and even a sense of desperation was settling over the White House. Not only had they failed to liberate the Americans, there was a pervasive feeling of total failure in communication between Washington and Teheran.

Announcer:

By now, hopes for a resolution of the crisis have failed. Efforts by Bani-Sadr to transfer control of the hostages from the militants to the government have failed. The Ayatollah said no.

April 7th: President Carter retaliates by ordering all Iranian diplomats out of the United States. The break in relations is coupled with new economic sanctions.

Carter:

It must be made clear that the failure to release the hostages will involve increasingly heavy costs to Iran and its interests.

Announcer:

April 8th: Ayatollah Khomeini calls the United States bloodthirsty.

April 9th: There are hints of a Naval blockade against Iran. United States warships are already in the area. In Teheran, the militants threaten if there is the slightest military attack on our land, we will destroy the spy hostages and the Embassy. The tension builds.

April 17th: President Carter imposes more sanctions and threatens military action.

Carter:

I am compelled to repeat what I have said on previous occasions. Other actions are available to the United States, and may become necessary if the government of Iran refuses to fulfill its solemn international responsibility. The American hostages must be freed.

Announcer:

April 24: Foreign Minister Ghotbzadeh threatens to cut off the entire Persian Gulf and block Western oil supplies if the United States mines Iranian ports.

Then, April 25th, Day 174 of the hostage crisis, eight Americans die in an aborted rescue mission to free the hostages.

Salinger:

What led a desperate President to do something he had vowed he would never do? Use force in the Iran hostage crisis.

The evidence is now clear that rising public indignation of the long detention of the hostages, the failure of months of quiet, secret but unsuccessful negotiations, and the pressures of a political campaign that was going sour, all played a role.

Announcer:

Hamilton Jordan, who lived through that period of desperation, gives us a behind-the-scenes look at the Tibaz decision.

Jordan:

So it was confluence of events, namely, our negotiations had failed; our efforts to make contact with the Iranian leadership and develop an honorable solution to the crisis had failed; instability in Iran; increased concern about the safety of our people, a heightened concern; and the development of a rescue plan in which the military had high confidence. It was in that atmosphere that President Carter, I will always think correctly, attempted to rescue our people.

Salinger:

In any event, Carter finally gave in to his National Security Advisor, Zbigniew Brzezinski, who told him there was a military plan which would work. It failed. It was one of the worst military defeats and humiliations in the history of the United States.

Finally, in the end, it was the government of West Germany Chancellor Helmut Schmidt, who put the United States on the track to the final solution of the hostage crisis.

The irony is that Schmidt was the Western European leader who really disliked Jimmy Carter. Yet Schmidt and his government handed Carter the ultimate card to free the fifty-two Americans.

It was late August, when the word came to the United States government that the West Germans had found a highly-placed Iranian ready to talk and deal with them to try to solve the hostage crisis. The man who turned up to help the Americans was Sadegh Tabatabai. Tabatabai was perfectly placed to help. His sister is married to Ahmed Khomeini, the son of the Ayatollah. Tabatabai had been educated as a young man in West Germany. And unlike most of the current leaders of Iran, travelled extensively to the West.

On September 11th, Tabatabai sent word to the Americans through the Germans that the Ayatollah Khomeini would made an important declaration the next day, setting four conditions for the release of the hostages.

Tabatabai even told the Americans what Khomeini's four conditions would be:

Return of the Shah's wealth;

Cancellation of United States claims against Iran;

Unfreezing of Iranian funds in the United States;

And United States guarantees of non-interference in the internal affairs of Iran.

Notably missing from the Ayatollah's list was the old Iranian demand for an American apology for past actions in Iran. It was a clear signal from Teheran that the Iranians really wanted to talk. At last the United States had something concrete on which to base negotiations.

Announcer:

On November 2nd, just two days before the Presidential election in the United States, the Iranian parliament adopted the final version of the four conditions the Ayatollah stated the United States had to meet before the hostages could be released. The stage was set for the final push to liberate the Americans. The Iranians preferred now to deal through sure friends, the Algerians. And it was the Algerians who finally pulled off the successful final negotiations.

On December 19th, when the Algerian delegation which had been handling the negotiations since early November brought the United States the new demands of Iran, they were mind boggling. Twenty-four billion dollars in guarantees for the release of the fifty-two

Americans. Four hundred and sixty-one million dollars for each hostage.

ABC's Mike Connor details the last five days of frenzied international financial negotiations.

Connor:

On Friday, officials from twelve of the largest American banks were summoned to Washington, where they met throughout the weekend with government officials, trying to solve financial problems that they had never confronted before.

At one point, the president of Chase Manhattan had to rely on a pocket calculator for help. Former Deputy Secretary of the Treasury, Robert Carswell comments:

Carswell:

We had to keep open the Federal Reserve Bank of New York, which is the central bank of the United States and the Bank of England, which is the central bank of the United Kingdom. And the twelve largest banks in the United States also kept their operations office open all during that period. Bankers' hours were not observed.

Salinger:

In the end, it came down to the final twenty-four hours. In the center of the drama was the White House. Where Jimmy Carter was spending a sleepless and high-tensioned last night as President of the United States.

Two of Carter's closest aides and friends, former White House Chief of Staff, Hamilton Jordan, and former White House Press Secretary, Jody Powell, were there. And lived through that night with Carter.

Jordan:

It was like a scene out of a . . . movie, almost unreal, and eerie. Here President Carter was in the waning hours and minutes of his administration, not even having time to . . . reflect on his presidency or his last hours in the White House, or his last several hours at his desk, but waiting and listening and talking and prodding, to try to have this agreement consummated by the time he left office.

"America Held Hostage: The Secret Negotiations." Source: Transcript of ABC News Special Report by Pierre Salinger, ABC-TV, January 28, 1981. (ABC News, 7 West 66th Street, New York, New York, 10023.)

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"An empire can be conquered, but it cannot be ruled, from horseback." The Great Wall of China. *UPI*

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World Order

Imagine, if you can, a united world. War and armed conflict are a thing of the past: energies and resources are spent in solving the problems of hunger, poverty and disease. National ambitions and spirit are channeled into friendly competition and peaceful pursuits.

Humanity has often dreamed of such an ideal. It has never been reached. Throughout the centuries, different attempts have been made to bring order to a strife-torn world. The Romans established a vast empire encompassing most of the western world. The Chinese once ruled the east. The Roman Catholic church and the Holy Roman Empire tried to impose order out of the chaos of feudalism. After the Thirty Years War and the rise of states, philosophers developed the idea of international law to regulate the relations of sovereign states. In the nineteenth century, western powers formed a concert of Europe which tried to control war on the continent and carve up the rest of the world into spheres of interest. Then, after two devastating world wars, nations agreed to war no more and bond together to stop aggression. In spite of some success and periods of relative peace, all of these attempts met failure. War, in fact, near total destruction of the planet, is more real today than ever before.

In this Perspective, you will examine some of the attempts to impose order on international human affairs. You will consider the strengths and weaknesses of various historical models of world law and government, and decide which, if any, offer hope to a strife-torn globe. When you finish this unit, you might want to start thinking about an even larger question: what today and in the future can be done to make the dream of world peace and plenty a reality?

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Building an Empire

The Roman Peace

As you read this excerpt, think about conditions in the world today and compare them to the Roman Peace.

"Immensa Romanae pacis maiestas" –boundless majesty of the Roman peace . . . Pliny's splendid phrase no one trying to describe the Roman world of early Empire can–or should–avoid. Boundaries, of course, there were to the world under the sway of the Roman peace. It extended from Scotland to the Sudan, from Portugal to the Euphrates; its longest axis east-west was about 2,800, north-south about 1,600 miles. It covered an area of Europe, Asia and Africa that has never again been under a single rule. Only an estimate of its population can be made, but a figure of seventy million is widely accepted. Many languages were spoken, although not nearly so many as today. We may include for instance Celtic in Britain, some of the Danube lands, and Galatia, Germanic along the Rhine and upper Danube, Punic and Egyptian in Africa, and Aramaic in Syria. But two languages enjoyed a primacy, Latin in the West and Greek in the East. Knowledge of these two would take you anywhere, and such knowledge was the heritage of every educated person. A single currency, a single law, prevailed throughout. There were no frontiers or major customs barriers within the Empire. Travel, though slow and uncomfortable by modern standards, was a good deal faster by land than anything before the railway age. Indeed, over certain parts of the Empire Roman standards have not been restored. Sea travel was more uncertain; European nations reached and passed the Roman level three centuries earlier than by land. There was religious toleration. Only three religious cults ever met persecution at the hands of the imperial government–Druidism, Judaism and Christianity. There was no color bar, and while there was dislike and friction between peoples, there was no racial discrimination in the modern sense. In short, it is fair to claim that the Empire in these centuries was the nearest approach to a world state yet seen, and this is one of its greatest claims to the attention of the modern world.

D. R. Dudley, "The Roman Peace," from *The Civilization of Rome,* (New York: New American Library, 1962) pp. 179–180.

The Early Imperial Age

The establishment of the Ch'in dynasty (221–206 B.C.) signified the end of the Chou period and the beginning of the Chinese Empire. Although the ruling house of Ch'in lasted a mere fifteen years, its impact on the later history of the Chinese people is immeasurable. The Ch'in emperors not only destroyed the many independent states into which China had been split for centuries; they also established a centralized monarchy. Thus, they changed the very foundation of Chinese government and life. The emperors of Ch'in never saw the completion of their plans for the empire. Still, their ideal of a country united under a centralized rule continued to be a goal for politically ambitious leaders. Though dynasties rose and fell, a centralized Chinese Empire endured as the political ideal.

The history of imperial China is much more than the overthrow and establishment of a series of ruling houses. It is also the story of the evolution of Chinese civilization. Over the centuries Chinese life has undergone many changes–changes involving social organization, economic activities, and cultural achievements. This chapter will deal with China as it developed during the *Early Imperial Age,* from the third century B.C. to the tenth century A.D.

Chinese Imperial Rule Was Extended Over East Asia

Although peace was an ideal cherished by the Chinese people, their rulers often plunged the country into war to advance their aims and policies. During the Early Imperial Age one dynasty after another used military force to compel respect for imperial authority within the empire. Chinese rulers also used armed might to defend their domain against foreign enemies and to encroach on the territories of neighboring peoples. Despite occasional setbacks and, at times, devastating defeats, the empire continued to expand. At the height of its power under the T'ang *(tahng)* dynasty, the Chinese Empire was rivaled in size and strength only by the newly born domain of the Arabs in the Near East.

The "First Emperor" was an ambitious ruler.

The Ch'in ruler who founded the Chinese Empire came to the throne in 246 B.C. He hoped to establish a dynasty that would last forever. He also dreamed of carving out the greatest empire ever known. During his reign armies were on the march day and night. He crushed resistance within the state and dispatched troops to the borderlands to overwhelm the non-Chinese inhabitants. After a quarter century, the Ch'in ruler felt that he had succeeded in creating his eternal empire. In 221 B.C. he formally established that empire when he adopted the title Shih Huang-ti *(shir' hwang'dee'),* meaning "First Emperor." By the time of his death in 210 B.C., the realm of the First Emperor included most of China Proper.

The Great Wall symbolized Ch'in ambitions.

The founder of the Chinese Empire wanted to protect his conquests against the raids of "barbarians" from Manchuria and Mongolia. With this purpose in mind, he launched one of the most ambitious projects ever undertaken by man. This was the building of the Great Wall along the northern frontier of China Proper. Many smaller barriers had been erected by feudal states during the Chou period. The goal of the First Emperor was to unite, strengthen, and extend these walls as a single massive fortification. To carry out this gigantic enterprise, it is said that the government conscripted one million men as a labor force. These laborers built the Great Wall completely by hand. The wall stretched westward from the coast of northeast China for almost 1800 miles–the approximate distance between Boston and Denver. Work on the Great Wall did not end in Ch'in times. For some 1500 years repair work or new construction was done on the rambling structure.

The Ch'in dynasty barely outlived the First Emperor.

Shih Huang-ti had aroused much resent-

"Never had so many peoples been governed from a single center (Rome)." Roman Empire in El Djer, South Tunisia. *Wide World*

ment by forcing thousands of peasants to carry out his military goals and to toil on public works like the Great Wall. Moreover, many educated Chinese objected to his Legalistic rule. They favored return to rule based on other philosophical systems. A struggle for the throne followed the First Emperor's death. Having lost the support of the people, the Ch'in dynasty fell. By 206 B.C., only a few years after the death of Shih Huang-ti, the dynasty was history.

The Han extended imperial power. The winner of the struggle for imperial power established the Han *(hahn)* dynasty (206 B.C.–8 A.D.). Under this regime and that of its successor, the Later Han (25–220 A.D.), Chinese military power was felt by peoples near and far. The very name of these dynasties has continued to evoke images of military grandeur among the Chinese. In tribute to the feats of these empire-builders, the Chinese to this day call themselves "the Han people" or "the Sons of Han."

The Han rulers made their greatest advances in Central Asia. Chinese troops pressed into the mountain and desert regions of Sinkiang, occupying important towns and establishing military bases. By controlling these strategic points, they dominated the caravan routes which connected northwestern China Proper with the trading centers of India, Persia, and the Mediterranean world. These avenues of commerce, one of which was the famed Silk Road, enabled the Chinese to trade with peoples as far distant as the Romans. Even after the Later Han dynasty fell from power, the flow of goods between China and the West did not completely end.

Disunity followed the Later Han dynasty. The four centuries after the disappearance of the Later Han are known as the *Age of Disunity*. During this period, China broke up into several independent states, just as the Roman Empire did a short while later. At first the Chinese Empire was divided into three kingdoms, whose rulers battled and intrigued for supremacy. Later, the exploits of these times stirred the imagination of the Chinese people. The great commanders and warriors were transformed into legendary heroes, and their daring deeds were told over and over in the homes and teahouses of the land. After many centuries these traditional tales were collected and written down in *The Romance of the Three Kingdoms*, one of China's greatest novels. In many ways, the *Romance* reminds Westerners of the stories of King Arthur and his knights.

H. Kublin, "The Early Imperial Age," from *China*, (Boston: Houghton Mifflin Co., 1972) pp. 51–55.

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Roman Law

In the Roman Empire, which lasted with many vicissitudes from about 31 B.C. to the latter part of the fifth century A.D., virtually the entire civilized world of the ancient West was politically united and enjoyed generations of internal peace. Rome was the center, around which in all directions lay the "circle of lands," the *orbis terrarum,* the known world. The empire consisted essentially in the coasts of the Mediterranean Sea, which provided the great artery of transport and communication, and from which no part of the empire, except northern Gaul (France), Britain, and the Rhineland, was more than a couple of hundred miles away. Civilization was uniform, there were no distinct nationalities; the only significant cultural difference was that east of Italy the predominant language was Greek, in Italy and west of it, Latin. Cities grew up everywhere, engaged in a busy commercial life and exchange of ideas with one another. They remained most numerous in the East, where most of the manufacturing crafts and the densest population were still concentrated, but they sprang up also in the West–indeed, most of the older cities of France, Spain, England, and western and southern Germany boast of some kind of origin under the Romans.

The distinctive aptitudes of the Romans lay in organization, administration, government, and law. Never before had armies been so systematically formed, maintained over such long periods, dispatched at a word of command over such distances, or maneuvered so effectively on the field of battle. Never had so many peoples been governed from a single center. The Romans had at first possessed self-governing and republican institutions, but they lost them in the process of conquest, and the governing talents which they displayed in the days of the empire were of an authoritarian character–talents, not for self-government, but for managing, coordinating and ruling the manifold and scattered parts of one enormous system.

Locally, cities and city-states enjoyed a good deal of autonomy. But above them all rose a pyramid of imperial officials and provincial governors, culminating in the emperor at the top. The empire kept peace, the *pax Romana,* and even provided a certain justice among its many peoples. Lawyers worked on the body of principles known ever afterward as Roman Law.

Roman judges had somehow to settle disputes between persons of different regions, with conflicting local customs, for example, two merchants of Spain and Egypt. The Roman Law came therefore to hold that no custom is necessarily right, that there is a higher or universal law by which fair decisions may be made, and that this higher, universal, or "natural" law, or "law of nature," will be understandable or acceptable to all men, since it arises from human nature and reason. Here the lawyers drew on Greek philosophy for support. They held also that law derives its force from being enacted by a proper authority (not merely from custom, usage, or former legal cases); this authority to make law they called *majestas* or sovereign power, and they attributed it to the emperor. Thus, the Romans emancipated the idea of law from mere custom on the one hand, and mere caprice on the other; they regarded it as something to be formed by enlightened intelligence, consistently with reason and the nature of things; and they associated it with the solemn action of official power. It must be added that Roman Law favored the state, or the public interest as seen by the government, rather than the interests of liberties of individual persons. These principles, together with more specific ideas on property, debt, marriage, wills, etc. were in later centuries to have a great effect in Europe.

R. R. Palmer and J. Colton, "Roman Law," from *A History of the Modern World,* (New York: Alfred A. Knopf, Inc., 1971) pp. 11–12.

How Scholars Reigned

"An empire can be conquered, but it cannot be ruled, from horseback." These wise words offered to an emperor of the Han Dynasty by a Confucian scholar were borne in mind by successive generations of Chinese monarchs. The task of great empire-builders in East Asia was not simply to demonstrate military prowess but to administer successfully a realm frequently larger than all of Europe. The Chinese learned how to govern their far-flung empire by fashioning a splendid civil service system.

This system relied on the services of the Confucian scholars. These learned men emphasized social harmony and stability, valued tradition and custom, and were opposed to drastic changes in the existing way of life. They were well informed about past history and the laws of the land. And since they were literate, they were able to keep the complex records needed by the imperial state.

Scholar-bureaucrats were appointed by the imperial government from among those who passed examinations given by the state. At first only members of great landed families attended the schools which prepared for this examination. After the downfall of the T'ang dynasty, the examinations for governmental offices were thrown open to all qualified subjects. It was then possible for a candidate from a peasant or working-class family to become a member of the ruling class. The system was not so "democratic" as it may seem because the expense of preparing for the regular examination was too heavy for the poor to bear. A large portion of China's administrators continued to come from the wealthy landlord families.

Held at regular times, the civil service examinations called for expert knowledge of Confucian philosophy and Chinese history, and skill in composition and in handwriting. Only a small percentage of those ambitious to become imperial civil servants were successful. Not all scholars who survived the examinations received appointments to governmental positions; they merely became eligible for governmental office. Officials who believed they were indispensable could quickly be replaced by the state.

H. Kublin, "How Scholars Reigned," from *China: Selected Readings,* (Boston: Houghton Mifflin Co., 1972) pp. 71–76.

The Development of Nations

Feudalism Became Old-Fashioned

During most of the Middle Ages in Europe, strong national governments were unknown. In France, at least 10,000 separate pieces of land were in some way countries themselves. France had a king who in theory ruled over his nobles. But those nobles, who should have been loyal, often did just as they pleased.

Wider trade called for improved government. Times changed. By the year 1100, cities had begun to grow rather rapidly. Trade expanded, and the population grew.

The bourgeoisie disliked the lack of law and order that hurt business and threatened property. They were unhappy with feudal obligations. And the different legal systems upset them. The nobility had their own courts, as did the Church. Church courts tried not only churchmen, but also students, crusaders, and churchmen's servants.

Trade and commerce needed safer and better ways to move about. A feudal noble could decide alone whether a highway that passed through his fief should be kept in good repair. He often charged huge tolls for use of a road or river through his land. Worse, people had no able police force to protect them. The rocky, muddy roads were full of bandits who attacked travelers. The situation called for a change.

Strong kings extended their power. Kings gained power at the expense of the Church and the nobles. Kings collected taxes from the growing merchant class in exchange for protecting their property.

This new source of wealth helped kings depend less on their nobles. Earlier, kings had relied on nobles who were vassals to bring in men for the armies. With more tax money, kings could pay *mercenaries*–professional soldiers and officers. Husky peasants could become good soliders of the king. Almost all countries that began central national governments during this time followed this pattern.

As kings gained power, they built up their governments. They hired civil servants, that is, government workers, to handle money matters, military affairs, and legal problems. Advisors were hired to help kings rule their countries. The kings freed people in towns from many feudal duties. And kings reduced the tolls merchants paid and protected them along the roads. Kings also began to bring all the people under one set of royal courts. These courts tried to make the law the same for everyone. In sum, kings were building bigger, stronger units called nations.

A nation has three important characteristics. First, its central government is strong enough to defend itself against enemies and keep order inside its borders. Second, a nation's people are set off from neighboring groups by language, religion, traditions, and way of life. Third, the people are loyal and proud of the group. Their feeling is called *nationalism* or *patriotism.*

England Became a Nation United Under Law

The reign of Henry II (1154–1189) was one of the greatest in English history. Henry was determined to unite all of England under his rule. He wanted all the people to look to him and to their national government for justice and protection. Henry II made his royal law the law of the land. Because it was the same for everyone, it was fairer and better run than the many different kinds of law in use then.

Over time, it came to be known as *common law,* because the whole country used it. Common law is used today in most of the United States and in nations and colonies that Great Britain began.

Henry II used an old custom of sending judges on regular tours all over the country. These traveling judges combined local legal customs with legal opinions from the king's court to form the common law. Judges who went from place to place were strangers in each district, so they were not open to bribes, threats, or feelings about friends. Each judge followed a *circuit,* or route. An important part of the English judicial system, this practice also gave root to United States circuit courts.

The jury system also grew under Henry II. The first juries were people who came before a royal judge to accuse someone of breaking a law. They did not decide whether the person was guilty. From this early jury came the *grand jury* of today. The grand jury decides whether evidence against the accused is enough to hold that person for trial. About a century after Henry's time, another kind of jury came into use. It heard a trial and decided on guilt of the accused. This kind is called a *petit* (little), or trial, jury.

T. Walter Wallbank, *History and Life,* (Glenview, Illinois: Scott, Foresman and Company, 1980), pp. 331–332, 334.

Sovereignty

As you read the following passage, think about the benefits and drawbacks to a global system in which "each state is legally equal to all others and . . . there is no higher authority than the state."

As Europe emerged from its Middle Ages, significant changes were taking place. The Church was loosening its grip on international affairs, modern states were being formed, and wars, especially the Thirty Years War, set new standards of brutality and destructiveness in armed conflict. By the middle of the Seventeenth Century, these trends led to the development of modern Europe. They also led to the birth of international law as we know it today.

In reaction to these changes, philosophers were active in trying to develop theories which would provide new ways for conducting international relations. Jean Bodin (1530–1596) laid the groundwork for the modern theory of sovereignty. It holds that each state is legally equal to all others and that there is no higher authority than the state. Citizens of each country owed undivided loyalty to their own state, which, in turn became responsible for their well-being. Loyalty to country replaced loyalty to Emperor or the Church.

Hugo Grotius and the Search for International Law

The increase in the number of sovereign states challenged other philosophers to find a way to impose a new order based on the new realities. Without such a theory, they reasoned, Europe would find itself bogged down in numerous conflicts and wars among the "equal" states. There would be no higher authority to help resolve conflicts or to order world affairs. One of these philosophers was Hugo Grotius, sometimes called the "Father of International Law."

Hugo Grotius (1583–1645) was a famous Dutch lawyer of his time. He developed his theories in a book entitled *The Law of War and Peace* which was published in 1625. In it he argued that while states might be supreme, they were still subject to a superior law, the law of Nature. Without such a superior law, he counseled, the world would fall into chaos. In his book, Grotius applied these concepts to the problems of war and peace. He decided that wars were either "just" or "unjust." They were "just" only if the reasons for and means of conducting the war were just. Perhaps, more importantly, Grotius believed that such rules were based on reason and applied to all states equally. In a sense, Grotius had taken previous ideas about "natural" law and applied it to the new conditions of sovereignty.

- How did Grotius apply the old Roman idea of natural law to a situation in which all states are equal (sovereigns)?

Analyzing an Historical Document: Freedom of the Seas

- How did Hugo Grotius try to solve the problem of competition for use of the seas by sovereign nations?

Freedom of the Seas–The Seventeenth Century: In 1609, a Dutchman named Hugo Grotius formulated the legal doctrine of the freedom of the seas–a doctrine that has been the main assumption of maritime law virtually ever since. He said, in part,

. . . Every nation is free to travel to every other nation, and to trade with it.

God Himself says this speaking through the voice of nature; and inasmuch as it is not His will to have Nature supply every place with all the necessaries of life, He ordains that some nations excel in one art and others in another. Why is this His will, except it be that He wished Human friendships to be engendered by mutual needs and resources, lest individuals deeming themselves entirely sufficient unto themselves should for that very reason be rendered unsociable? . . .

Helen Garvey, National Catholic Education Association and Eric Scott, San Gabriel High School, *Who Owns the Seas,* (Berkeley: NCEA Peace Studies Program, 1975).

The Concert That Brought A Century of Peace

On the night of June 18, 1815, the fields and slopes near a small village in northeastern Belgium were littered with broken guns and dead and dying men. A battle that began at noon of that day had left more than 50,000 killed and wounded –French, British, and Prussians.

The name of the Belgian village was Waterloo. The loser in the battle was Napoleon Bonaparte, the French military adventurer and empire builder who for more than 15 years had kept Europe in turmoil.

It had been a costly fight. Yet at the same time it marked the beginning of a new era. The victors represented major European powers who were entering upon a century of peace. Waterloo was to be virtually the last major battle fought in Western Europe of the next 100 years.

One of the reasons for the long period of comparative peace was an arrangement called the *Concert of Europe.*

At the same time that Napoleon was making his last stand at Waterloo, the kings, princes, and statesmen of Europe were assembled in Vienna, Austria, to work out a peace settlement following the Napoleonic Wars.

From this Congress of Vienna the idea of the Concert gradually developed. The leaders of Europe talked than about losing (rather than gaining) power through warfare. They decided to hold conferences not just *after* wars, but before any problems that might lead to violence got too far out of hand.

Previously such problems had been regarded as the business only of nations directly involved. But leaders decided that many nations could legitimately take responsibility for dealing with a problem by calling a conference and contributing troops and ships to help enforce decisions.

About thirty conferences took place in the century that the Concert lasted. Sometimes troops were used, as when Britain and France stopped Holland from interfering with Belgium's independence. Sometimes less explosive problems were settled, as when the agreements regulating the traffic along the Rhine River were made. Sometimes the Concert system maintained peace at the expense of other people's rights, as when European nations agreed upon rules for establishing African colonies.

One of the main reasons that the Concert of Europe succeeded was that the large nations of Europe were fairly evenly matched in military strength. No one nation could conquer the rest; and if several nations began to form a threatening alliance, other nations could then form an effective counteralliance.

Britain played a key role by switching its power from one alliance to another, or from one place to another, as soon as one or more nations became too powerful. This system of discouraging large-scale war was called the *balance of power.* It differed from the empire system, in which a single conqueror tried to keep peace. It also differed from the anarchical situation where no country went out of its way to try to keep peace.

The Concert of Europe was not a formal organization with a staff and regular meetings; it was an informal agreement. Some formal international organizations did appear during the 19th century, however–organizations such as the International Telegraphic Union, and the International Bureau of Weights and Measures.

Many of these organizations still exist. They are called *functional organizations* because each deals with a specific, limited function, not with a broad range of problems.

One such organization, the International Postal Union, has been particularly successful. The Union deals only with the mail, not with hot political topics, so almost every nation now belongs and cooperates. When issues over mail delivery have arisen, the Union has resolved them successfully.

Other problems between nations, however, have proved to be far more difficult.

As the 1900's approached, the Concert seemed to be breaking down. And at the same time, an arms race was growing and threatening to get out of control.

In response to this threat, a new approach to international organization was tried–the *Hague Conferences,* held in Holland. At the first conference Czar Nicholas II of Russia invited representatives from the 26 countries that had diplomats at his court. The second conference numbered 44 states, many from outside Europe.

The main purpose of the conferences was said to be the promotion of peace. Critics charged that the Czar was principally concerned about Russia's inability to afford an arms race.

Nevertheless, the conferences made several breakthroughs in the search for international agreement. The nations tried to set up rules to avoid war, or at least to make war less brutal.

It was declared that nations should not fire projectiles from balloons, employ asphyxiating gases, or use exploding bullets (bullets that split on impact and caused bigger wounds).

In addition, a permanent Court of Arbitration was created to help nations settle disputes. The Court's procedure worked like this:

Two or more nations with a dispute they could not settle among themselves could submit it to the Court if they would agree to abide by the decision of the Court. The membership of the Court for the particular case was selected from among a panel of trusted men who were on call for such duty.

If the disputants could not agree on who should be a member of the Court that decided their case, each could select two of the panel members. These would choose one more member. This group would then decide the dispute in accordance with law.

As cases, including boundary disputes, were peacefully settled through arbitration, many reasonable and intelligent statesmen in Europe and America began to believe that a major war would not break out again. Their reasoning was that most of the Earth had finally been divided into nations, and that this was the ideal type of political organization.

Nations were large enough to deal with people's needs, including defense, yet small enough to give people responsive leadership that would keep them from wanting to revolt. Transnational organizations like the Postal Union would

deal with matters too extensive for nations to handle. Major corporations, it was believed, were a third organization that would ensure peace, for they had built up international trade to such a point that peace was profitable.

The Hague Court of Arbitration was available to settle whatever disputes might still arise. And in many people's minds was the horror of the new weapons of war, such as armed balloons.

And yet when grievances between central European nations were ignited by the assassination of an Austrian archduke in 1914, the system broke down and World War I began.

The grievances behind the assassination were never brought to the Court of Arbitration. Following the assassination, a conference to deal with the problems in the name of the Concert of Europe was requested but never called.

Nations brought out so much patriotic spirit in their citizens that even a majority of European pacifists supported the decisions of their respective governments to go to war. Among the large corporations–which had been expected to base their fortunes on peaceful trade–were many who found huge profits in providing the new weapons of war.

And few people realized that machine guns and other new weapons would kill 20 million soldiers and civilians before the conflict finally ended four years later.

D. W. Oliver and F. M. Newman, *Organizations Among Nations,* Public Issues Series/Harvard Social Studies Project, (Middleton, Connecticut: Xerox Corporation, 1970), pp. 7–9.

Exploiting a Continent By Gentleman's Agreement

In the early 1870's, an American explorer named Henry Morton Stanley became a leading figure in determining the destiny of the great uncharted continent, Africa.

This former Civil War soldier, merchant seaman, journalist, and explorer battled disease, warlike tribes, and jungle beasts in order to trace the course of the Congo River. But at the end of the tremendous journey his three white companions and half the Africans in his party were dead.

Stanley tried unsuccessfully to interest the British government in developing the Congo. But he aroused the interest of King Leopold II of Belgium. The Belgian King invited Stanley to lead another expedition to the Congo on his behalf. To develop the Congo, Leopold formed a private commercial company with himself as chief stockholder.

The purpose of Stanley's third African journey in 1879, then, was to investigate the economic possibilities of the Congo region. Stanley was under orders to establish trading stations at various points along the banks of the Congo River, and to negotiate treaties with local African chiefs giving the Belgian King claim to large areas of land.

Stanley carried with him muskets, table knives, glasses, crockery, hatchets, handkerchiefs, flannel shirts, felt hats, red caps, blankets, and umbrellas, to use in bargaining with the chiefs.

Stanley's expedition made its way up the Congo in steamboats. The crocodile-infested waters were swift and treacherous. Fevers and dysentery killed Europeans and Africans alike. Hardest of all was the job of cutting the roads through jungle and rock in order to avoid rapids and falls.

For his determination and ability in cutting these roads, Africans gave Stanley the title "Bula Matari"–Breaker of Rocks. His reputation preceded him up the river.

At each favorable location along the river, Stanley's expedition halted. The African chief of the region was sought out and persuaded to allow the party to build a trading station and to give Stanley, as the agent of King Leopold's company, full and exclusive rights to the area.

To build a station, Stanley's party worked ten hours a day in the intense jungle heat–clearing the way with machetes, hoes, picks, and shovels; building some crude huts; and even planting a few crops for cultivation.

When at last the party was ready to turn the village over to a permanent Belgian agent and move on up the river, Stanely would again meet with the African chiefs to negotiate a final treaty.

In a book written after his return to Europe, Stanley described his negotiations with two chiefs for rights to Kintamo, a wealthy ivory-producing region in the upper Congo, in the following words:

I began by showing them the completed trading station and they were pleased. Then I said, "Since I am the first merchant who came to Kintamo and chose to build on it, despite the 'bad river and the big hills and the big rocks,' and I had, without any help from any other white merchant, broke down the big rocks and cut a road through the hills and built a village, it was but right that, after doing all this, and paying all that they asked, and every promise made them strictly and justly performed at the end of every moon, I should be considered as the only merchant of Kintamo, and that the chiefs should make an agreement with me that without my permission or consent no other white man should be permitted to reside on any portion of Kintamo soil."

The chiefs were silent and so I continued with the reasons for my demand.

"You know, Makoko and Ngalyema, the difficulty you will have in keeping this country quiet if many white men from mixed places come to live here. Imagine how difficult it will be to keep the peace between them and the natives. It will be no problem if you only have to deal with me, for I will allow no white man to enter Kintamo who intends to do harm, or who will not obey me. If you want more whites to trade with, I will bring them; if you want more houses, I will build them."

Makoko then spoke: "What you say is true, but if we agree, you must trade only in groundnuts which is our principal wealth. You must buy our ivory with groundnuts."

"That is fair," I replied, "and although I cannot meet this demand, I give you my promise that I shall bring a white man with whom you can trade in groundnuts."

This seemed to satisfy them, and after some talking with each other, they made their crude marks on my treaty.

On the strength of Stanley's treaties, King Leopold laid claim to a mineral-rich area in Africa 80 times the size of Belgium. The major powers of Europe, some of whom already had claims in Africa, began to see great opportunities in that continent.

Within four months of Stanley's return from Africa, the great commercial powers of Europe were engaged in a scramble to set up colonies in Africa. British, French, and German traders hurriedly staked out claims along the Niger River. German settlements expanded across southwest Africa. Spain and Portu-

gal pressed for territory. And statesmen in Europe dreamed not only of new economic markets but also of the prestige granted in those days to nations developing unknown territory and "civilizing" the inhabitants.

Competition became frantic, rivalries intense. What if one nation gained control of key waterways and monopolized trade? What if desperate competition wasted resources and destroyed wealth? Worst of all, what if rivalry over colonies in Africa led to war?

And so the European governments, fearing these consequences, accepted the invitation of Bismarck, Chancellor of Germany, to send delegates to a conference in Berlin to consider the question of Africa.

The diplomats of Europe met in Berlin to decide upon the rules for the control of Africa. There was general agreement on Bismarck's initial proposal that all nations should have free and equal navigation rights on the major African waterways.

The next question, however, involved deciding upon present and future claims to land in Africa. Here the real negotiations began. Could the question of who owned land in Africa be resolved?

To the diplomats at Berlin, far removed from the sweltering tropical jungles, that meant sorting out the claims to territory, drawing boundary lines across a country much of which was unmapped, and partitioning a new continent among the several "civilized" powers of Europe.

To no delegate in the Berlin palace did it seem necessary to question the people of Africa, nor to consider the tribal alignments that centuries of custom had hardened among those peoples. Instead, each delegate prepared to support the territorial claims made by his country and to press for the recognition of those claims.

One way to support a claim to land was to display a treaty. Scores of these treaties, each carefully preserved by some explorer from mildew and white ants and imprinted with the marks of African chiefs, were produced by the Belgian delegates to support their claims to the Congo region. Other diplomats protested the validity of treaties that were made by private individuals who were employed by a government to merely explore an area, and that were signed by chiefs whose authority was taken for granted.

Stanley, whose signature appeared on many of the treaties, rose to the defense of the chiefs:

"The chiefs with whom these treaties were made hold their lands by undisturbed occupation, by long ages of succession, by real divine right," he argued. "Of their own free will, without coercion, but for substantial considerations, reserving only a few easy conditions, they have transferred their rights of sovereignty and of ownership to the European nation."

In the end, most of these treaties were recognized, and the Congo received acceptance as a state. King Leopold's private company received total acceptance as the governing power over the Congo. As a result, the rubber, the ivory, the gold, and the hundreds of thousands of people that comprised the Congo came under the control of King Leopold; and, after his death, of his nation, Belgium.

But how to draw boundaries across a continent of which much was still unknown and unmapped? The delegates examined the crude charts of Africa and tried to define natural physical marks that could be used to simplify the boundaries: a ridge of hills, a river, a creek.

In some cases the geographical knowledge was so sparse that the delegates simply used lines of latitude and longitude and hoped for the best. If this meant that African tribes that had been enemies for centuries were now suddenly lumped together under one European power, this was a matter for the colonial power to resolve.

In the end, the land was somehow parceled out–with Leopold's company, France, and England receiving gigantic chunks; and Germany, Portugal, and Italy getting lesser shares. Freedom of trade, which Bismarck had declared to be a crucial element for peace among the European powers in Africa, was made a cardinal principle.

All major rivers were declared open to navigation; and all powers were given full access to the banks and adjoining territories of these rivers. The enormous interior of the continent was declared open to trade and was to be neutral in time of war. In other words, warring colonial powers were not to use colonies for battlefields.

But how were these agreements, drafted in the luxurious rooms of Bismarck's palace, to be enforced in Africa? Some disputes would be avoided entirely by the provisions for free trade, since many nations did not care about acquiring territory if they could be assured of an equal chance to trade.

As for disputes that did break out, the treaty outlined methods for enforcement and settlement. An international commission was instituted for this purpose. Each nation would have one representative on the commission. Its enforcement power was spelled out by treaty.

After three months of meetings and negotiating sessions, the delegates met for the final time to review their work. Bismarck complimented the diplomats for achieving agreement upon the disposition of African territory.

Other members of the conference praised the settling of international commercial and navigational rights. There was general agreement that the way had been cleared for improving the moral and material well-being of the inhabitants of Africa.

"Simultaneously," said one diplomat, "we have served the cause of religion, of peace, of humanity, and enlarged the domain of public international law."

The delegates rose one by one, signed the long treaty, said last farewells, and began the long journey home to report to their respective national governments.

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D. W. Oliver and F. M. Newmann, *Diplomacy and International Law,* Public Issues Series/Harvard Social Studies Project, (Middleton, Connecticut: Xerox Corporation, 1970), pp. 7–10.

WORKSHEET: Exploiting a Continent by Gentleman's Agreement

With the help of members of your group, write your answers to the following questions based on the reading.

1. Who did Henry Stanley represent in Africa?

2. What was the purpose of Stanley's third operation?

3. What did Stanley do when his expedition reached a favorable location?

4. Do you think the African chiefs understood the significance of the treaties they signed? Why?

5. Do you think the methods Stanley used were fair? Why or why not?

6. How did the other European powers react to Stanley's expedition? Which countries were involved?

7. How did the Europeans resolve their differences?

8. What agreements and rules came out of the conference?

9. What complaints did the other representatives have to Stanley's treaties?

10. How did Stanley defend the validity of the treaties?

11. Do you think the African chiefs understood the Western legal ideas of "free will," "without coercion," "substantial consideration," "conditions," "sovereignty" and "ownership"? Why or why not?

Ethiopia, 1934–36

The League of Nations was based on several assumptions–that most nations would want peace; that most nations would avoid war as a means of promoting their own national interests; and that most nations would desire to use the organization's machinery for preventing wars. Many people believed that World War I was the "war to end all wars." They also believed that democratic nations would be more peace-loving than the kingdoms and empires which they blamed for most of the warlike policies prior to 1914. Given these assumptions, many people based their hopes for peace on the League. How well-founded their hopes were can be seen in the following case concerning one of the major crises the League faced.

Proposals for Action Against Italy

The Council took two days to investigate, and then declared "that the Italian government had resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations." (Article 12 provided that no League member should resort to war until at least three months after a decision on a dispute had been rendered by the International Court of Justice or the Council itself.)

This October 7 declaration also destroyed Italy's claim that it was taking necessary measures of defense. Italy's obligation was not to take matters into its own hands but to seek settlement by the League.

Then the Council, in which only a few nations were represented, turned the case over to the Assembly, in which all 54 member nations were represented. Almost all the member nations accepted four proposals establishing:

1. A prohibition against the export (direct *or* indirect) of arms, munitions, or implements of war to Italy and all Italian colonies.
2. A prohibition against loans or extensions of credit to the Italian government and to Italian public officials.
3. A prohibition against importation of all Italian goods (except cultural ones).
4. A prohibition against the export of certain products (transport animals, such as horses and mules; raw material, such as rubber, aluminum, iron ore, nickel, tungsten, etc.). That is, the participating nations would attempt to withhold from Italy those materials that would be vital to the fighting of a war.

There was a fifth, more general proposal designed to restate the whole idea of mutual support among League members. Among other things, it provided that any nation injured economically by joining the embargo against Italy would be assisted by other League members so as not to suffer permanent loss.

The League invited nonmember nations to join in the action against Italy. In addition, the British lifted their arms embargo against Ethiopia and began to grant licenses to some private companies for the export of arms to Ethiopia.

At the next session of the Council, the Sanctions Committee suggested that the list of products under sanction number four be expanded.

The question of oil sanctions loomed large. Oil was the lifeblood of Italian war operations, and Italy imported nearly all that it used.

Italy could be controlled merely by enforcing oil sanctions. Tanks, planes, and all transport would be forced to grind to a halt.

But it was a non-League nation–the United States–that was supplying Italy with a large part of its oil. Without American cooperation in stopping oil shipments to Italy, the policy appeared to be meaningless.

Eleven other nations–including major suppliers–agreed to the oil embargo, or blockade. However, the Sanctions Committee of the League appointed a group of experts to determine the practicality of the idea. The experts reported that an embargo on oil would not work.

In the first place, they claimed, it could not be effective for at least three and a half months because Italy had enough oil to last that long.

In addition, they argued, unless the United States officially cooperated, the embargo would be futile. It was then learned that the United States would not restrict its oil exports to Italy.

Even so, Britain agreed to impose the embargo if other League members would do the same. France, however, succeeded in postponing discussion of the question until the League had sought to end the war through urgent appeals to Ethiopia and Italy. Therefore there was no oil sanction against Italy.

Sanctions–other than oil–had been taking their toll in Italy as the war progressed through the winter. The value of the lira, Italy's basic money unit, had fallen by nearly 25 percent as early as November. Her export trade, especially to Britain and France, had been cut to a fraction of its original volume.

Mussolini admitted later that "if the League of Nations had extended economic sanctions to oil, I would have had to withdraw from Abyssinia (Ethiopia) within a week. That would have been an incalculable disaster for me." Italy's economic state, then, was perilously weak–more so than the Sanctions Committee's experts had apparently believed.

Nor was Italy doing well militarily. After the early victories, the war effort slowed down. Ethiopia's primitive roads and a period of bad weather were an obstacle to Italian plans for deeper invasion. Italy's hopes dwindled as the rainy season turned the roads to mud and the extremely hot days and cold nights took their toll of Italian personnel.

Mussolini was worried. If the invasion was not completed by May 1936 it would drag on to the point where Italy would be too weakened by economic sanctions to carry on.

The campaign was stepped up. Suddenly on January 2, 1936, Italian newspapers published articles demanding that Italy use more ruthless methods against Ethiopia. Italian planes sprayed poison gas not only on the front, but also over large civilian areas. (This was in violation of a 1925 international ruling prohibiting the use of poison gas.)

When the League protested this violation, as well as Italian bombing of Red Cross stations, the Italian government replied that atrocities committed by the Ethiopians in battle justified the vicious counterattacks by the Italians.

Italian officials described Ethiopia's crimes at great length. These offenses included the mutilation of the dead, the use of dumdums (exploding bullets), and

the torture of prisoners.

In addition, Italy gave new reasons to justify its invasion of the country: Because of excess population, poor natural resources, and the economic drain of emigration, Italy had to imitate the other European powers by creating colonies in undeveloped parts of the world.

Furthermore, Italy asserted that it was carrying the "white man's burden." To a barbaric land, Italy would bring progress: roads, hospitals, orderly government. Italy was serving a mission on behalf of "civilization."

Although they were noisy, the various groups who sympathized with Italy and criticized the League for using sanctions were not strong enough to influence their governments' policies. Nor did Italian propaganda succeed in convincing the world that Italy's cause was righteous.

Some suspected that Mussolini sought to conquer Ethiopia to provide a "glorious achievement" to distract Italians from the problems he could not solve.

In Europe: The Threat of Hitler

For most of Europe, Mussolini was a rather unimportant fellow; it was Hitler whom they had to fear.

Because of her terrible losses in World War I and her common border with Germany, France–of all European nations–was the most afraid of Germany and the Nazi dictator Hitler.

French security relied primarily on the Locarno Pact of 1925, which was signed by Britain, Germany, Italy, Belgium, Czechoslovakia, Poland, and France. This treaty guaranteed the permanence of the boundaries of Western Europe and established a demilitarized zone along the Rhine between France and Germany.

In the eyes of the French, as well as other Europeans, the Locarno Pact kept Hitler's Germany from leaping at the throats of its neighbors. Mussolini used France's fears to his own advantage. When France seemed to favor the oil embargo, Mussolini had threatened to withdraw from the Locarno Pact.

On March 7, 1936, Germany leaped. Hitler violated the Locarno Pact. German troops marched into the Rhineland. Britain and France immediately turned to Mussolini for support against this new challenge.

On March 28, the foreign ministers of Great Britain, France, Belgium, and Italy signed a statement condemning the German action. The League also denounced Hitler's violation of the treaty, but did nothing further to counter his rearmament of the Rhineland.

While Mussolini was signing a statement with France and England with one hand, his other hand was wielding a sword. "The war," he stated on March 9, 1936, "was continuing and would continue until victory."

The Italian army was now achieving major victories in Ethiopia. In a battle at Lake Ashangi that lasted from March 31 to April 3, the Italians defeated the Ethiopian army and gained the road to Addis Ababa; Ethiopia's capital. By the end of April, the south of Ethiopia was ready to capitulate to the Italians.

When the League Council met on April 20, Italy pulled a new card from its deck. The Italian representative pointedly reminded the Council that "Italian cooperation in the work of European pacification (controlling Hitler) *will have to follow the settlement of the Italo-Ethiopian dispute. . . .*"

In effect, Italy threatened not to join the rest of Europe in resisting Hitler if the League stood in her way in Ethiopia. Despite this threat, the Council voted to continue the sanctions already existing against Italy and condemned Italy's use of poison gas.

On May 2 Haile Selassie suddenly fled Ethiopia. Three days later the Italians occupied the Ethiopian capital, Addis Ababa, and the war was over. On May 9 Mussolini formally decreed that "the territories and people that belonged to the Emperor of Ethiopia are placed under full, entire sovereignty (control) of the Kingdom of Italy. The title of Emperor of Ethiopia is assumed by the King of Italy for himself and his successors."

The Council met on May 11 to consider the annexation decree. Italy's representative made his point dramatically by leaving the room when the Ethiopian representative appeared. "The only sovereignty in Ethiopia," the Italian diplomat said, "is Italian sovereignty." According to Italy, the state of Ethiopia no longer existed; the Ethiopian-Italian dispute no longer existed; there could be no discussion. The Council decided to reconvene in a month, after its members had had time to consider the effect of the new situation.[1]

[1]D. W. Oliver and F. M. Newmann, *Organizations Among Nations,* (Middletown, Connecticut: Xerox Corp., 1970), pp. 13, 21.

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". . . Italy assented that it was carrying the 'white man's burden.' To a barbaric land Italy would bring progress . . ." *UPI*

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Analyzing Five World Political Organizations

Five Models of International Organization

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	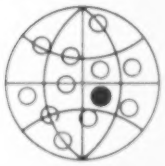	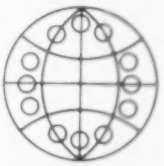	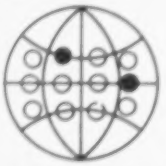	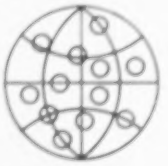	
Who controls the government?	One country, Gigantia, governs the world. A committee of 100 Gigantians–experts in various fields–makes all decisions.	A council made up of elected representatives from every country in the world makes all laws. (Representation is based on population.) A committee elected by member countries enforces these laws.	Two countries–Supra and Magna –have divided the world. Each controls a large group of countries.	Each country has its own government. Some of these are democratic; others are not.	Countries located in the same part of the world have formed regional governments. Some regions have democratic governments; others do not.
Who controls and distributes resources and industrial products?	Gigantia controls all resources and industry. The Committee of 100 determines the distribution of goods.	The council regulates industry, but distribution is influenced by the demand for various products and resources.	Supra and Magna each controls the resources and industrial products of the countries it rules. Distribution is based on the needs of each of the two superpowers.	Each country controls its own resources and industry.	Each region controls its own resources and industry.
How is trade regulated?	The Committee of 100 determines how trade will be carried on.	There is free trade among all countries.	Trade is free within each bloc; little or no trade is permitted between the countries controlled by Supra and those under Magna.	Each country limits or encourages trade in terms of its own interests.	Each region limits or encourages trade in terms of its own interests.
What limits are placed on the rights of the individual?	An individual's rights are limited in that they cannot interfere with the interests of Gigantia.	The rights of the individual are guaranteed by a constitution.	The rights of the individual are limited in that they can not interfere with the interests of Supra or Magna.	Each country has its own limitations on the rights of the individual.	Each region has its own limitations on the rights of the individual.

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Resolving Crises

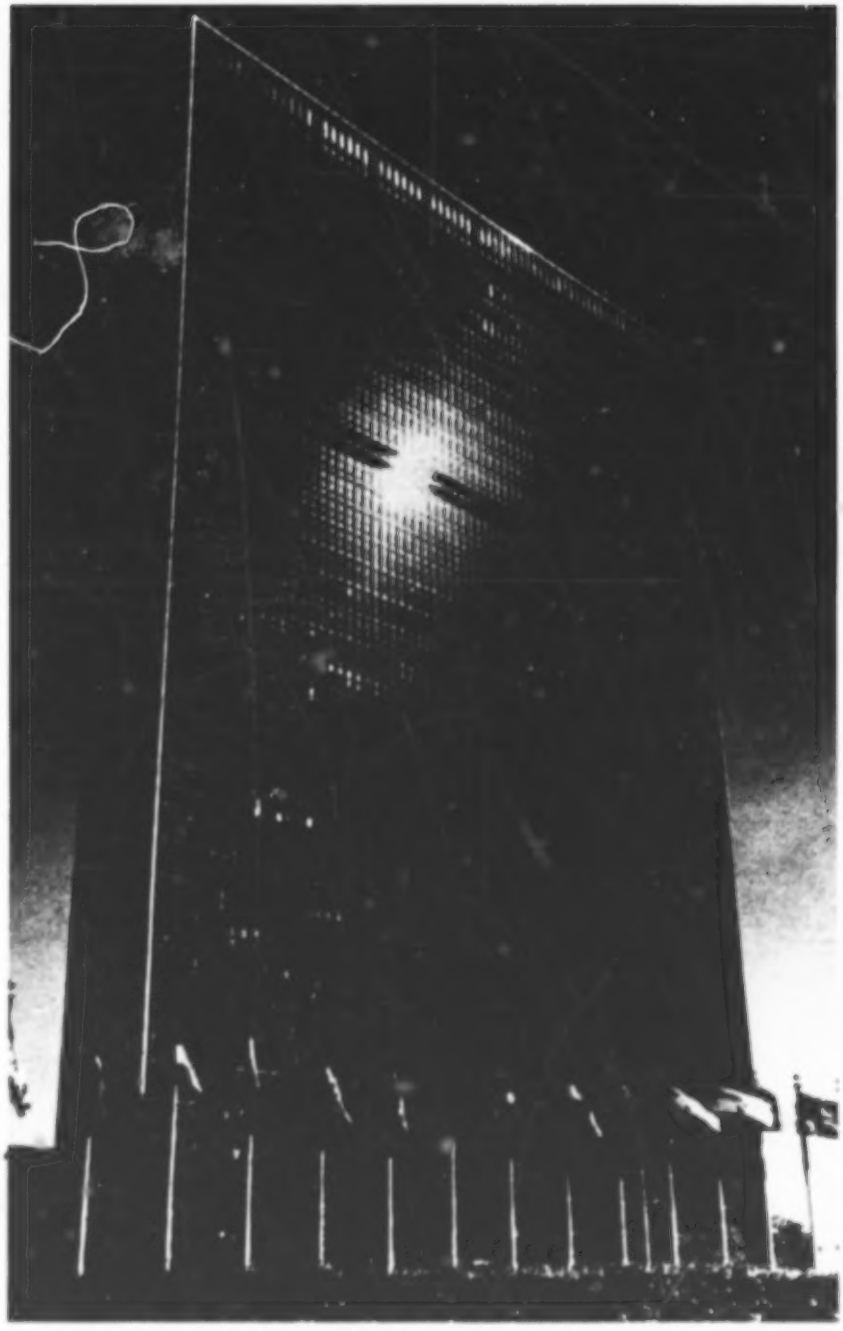
If the political systems listed in the previous lesson actually existed, how would each resolve the following crises?

1. A secret group operating in North Africa has developed a nuclear device. They are planning to use this device to gain control of Africa. Word of the group's activities has become known. What can be done?
2. A crop failure in Southeast Asia has resulted in widespread starvation. Thousands of people have already died of hunger. The people of Southeast Asia have appealed to the world for help. What can be done?
3. Air and water pollution have caused a major world health problem. Cases of respiratory illnesses, emphysema, and lead poisoning have reached epidemic proportions. What can be done?
4. India has too many people for the number of jobs available. A number of Indians decided to settle in Australia. Some Australians have expressed resentment toward the newcomers. Indians became angry when they learned that they could not take advantage of the good jobs and adequate housing in Australia. Tension between the two groups has led to several incidents of violence. What can be done?

General Questions

1. What are the disadvantages of each system? The advantages?
2. Which system (or systems) seems best suited to end war? Provide for a permanent peace?
3. Which system (or systems) seems to encourage economic growth? A fair distribution of the wealth?
4. Which system (or systems) seems most just? Most interested in protecting the rights of the individual?
5. Under which system would you prefer to live? Why?
6. In the year 2000, which system is most likely to exist? For what reasons?

B. G. Massialas and J. Zevin, *Analyzing Five World Political Organizations, in World Order, World History Through Inquiry*, (Chicago: Rand McNally & Company, 1971), pp. 53–54.



"A council made up of elected representatives from every country in the world makes all laws." Could the U.N. fill this function? *UPI*

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The Fireball from a nuclear test explosion. *UPI*

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Conflict

Conflict! What do you think about when you hear that word? It may bring to mind an argument with a friend or a family member; or it may recall an incident at school or that you read about in the newspaper. One thing is certain, we deal with conflict every day of our lives.

Just as conflict arises with people who have different ideas and beliefs, conflicts also arise between nations and among other international actors. Many of these conflicts are somewhat easily settled. Nations reach agreements called treaties. Multinational corporations work out their differences and sign contracts. Hundreds and thousands of agreements are reached every year.

But what if no agreement is reached? What if the different sides to the conflict are so far divided that no agreement is possible?

When nations are involved such a situation can lead to war. Today, and ever since you were born, the potential destructiveness of war has been greater than ever before in history. Nuclear weapons and modern arms have made the idea of war almost impossible to imagine. For America, nuclear war would mean the death of 160 million people, and the destruction of life as we know it. This same horror holds true for the other countries. Still, the threat is always there.

In this Perspective you will examine alternatives to this grim reality. Methods do exist for resolving conflicts before bloodshed results. In the following readings you will learn how negotiation, arbitration, and adjudication work to avoid armed conflict. You will also come to understand why they fail. However, even if these methods don't work and armed conflict does result, there is a role for international law in limiting its destructiveness or in ending hostilities. Clearly, the methods are not perfect; we are still plagued by the threat of war. At best they offer hope for today and a promise for the future.

Headlines

Below are some mock newspaper headlines. They are not taken from real newspapers, but they do concern real events and could be similar to headlines printed in Latin American newspapers recently.

1. Formal transfer of control of the Panama Canal from the U.S. to Panama was observed in ceremonies yesterday.
2. Twelve years of military dictatorship have ended in Peru with the popular election of a civilian president.
3. Amnesty International reports that 2,500 to 3,000 people–one out of every 1,000 persons–are imprisoned in Uruguay because of their political beliefs.
4. A recent report estimates that more than three-fourths of the children of Guatemala suffer from some degree of malnutrition.
5. Violence continued in Central America when Archbishop Oscar Arnulfo Romero–a popular spokesman for El Salvador's poor–was assassinated by gunmen as he celebrated Mass.
6. A government official estimates that over one-third of the population of Caracas, Venezuela, is now living in shantytowns (slums) in the metropolitan area.
7. The Chilean military government has announced that it will not yield power to a civilian democratic government for years to come.
8. Dispute over oil prices continued at the meeting of OPEC ministers in Caracas, Venezuela.
9. Hundreds of thousands of Catholics heard Pope John Paul II during his recent visit to Brazil.

K. A. Switzer and C. A. Redden, *Teaching About Diversity: Latin America*, (Denver: Center For Teaching International Relations, 1978), p. 143.

"A government official estimates that over one-third of the population of Caracas, Venezuela is now living in shantytowns (slums) in the metropolitan area." *UPI* *Wide World*

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A "Soccer War" Is Appealed to the OAS

Organization of American States: The Organization of American States (OAS) is an example of an international governmental organization (IGO) which is regional in terms of its membership.

In the summer of 1969 the soccer teams of El Salvador and Honduras played a three-game series to determine who would play the team from Haiti. The winner of the match with Haiti would go on to the finals for the World Soccer Cup. Considerable prestige would come to the countries whose teams were good eough to enter the finals. Honduras won the first game, which was played at home.

The second game was held in El Salvador. The Hondurans entered it in a fury. They claimed that their "hosts" had kept them awake, had beaten up some of their supporters, had defiled their national flag, and had raped some of their women.

Honduras lost the second game. Back in Honduras riots broke out, and a number of Salvadoran settlers were killed. Others fled the country.

Honduras reported her grievances to the Organization of American States.

(The OAS was formed in 1948 to help promote cooperation among nations of the Western Hemisphere. According to the OAS Charter, the 23 members–including the U.S.–intend to "achieve an order of peace and justice, promote their solidarity, strengthen their collaboration, and defend their sovereignty, territorial integrity, and independence."

The highest authority in the OAS is the Inter-American Conference ordinarily held every five years. But a Council meeting in Washington, usually held twice a month, makes executive decisions. Other OAS groups deal with problems such as economic development or acts of aggression.)

The foreign minister of El Salvador stated that his fellow citizens had been mistreated in Honduras. He said that people who had migrated from El Salvador to Honduras had long been the victims of assault, rape, and expulsion from the latter country due to "the mere fact of their nationality." El Salvador demanded reparations, called up its military reserves, broke diplomatic relations with Honduras, and stopped trade with her.

In the days that followed, radio and press attacks in both countries stirred popular passions. The governments of the two countries did little to cool the hostile feelings. Both governments were made up primarily of military men and were neither popular nor interested in reform. However, as each country appeared to be more of a threat to the other, the people lined up more strongly behind their governments with heightened patriotism.

Behind the threat that each nation felt lay a geographic situation that went far beyond soccer rivalries. El Salvador is only one-fifth the size of Honduras. It has more than 400 people per square mile, the highest population density in Latin America. El Salvador also has the highest rate of population growth in the world. Honduras, on the other hand, has fewer than 60 people per square mile.

For a long time many of El Salvador's three million people had been crossing the border into Honduras to trade, work, or live. At the time of the soccer match 300,000 migrants from El Salvador were already living within the borders of Honduras, a country of 2½ million people.

Fearful of overcrowding, Honduras had passed an agrarian law, which stated that only native-born Hondurans were eligible for land given out in the land reform program. Indeed, some of the land given out was that on which the Salvadorans were living.

The agrarian law also stated that migrants who wished to live in Honduras must secure papers certifying their legal residence. But of the 300,000 Salvadorans in Honduras then, only about 1,000 had picked up such papers.

Late in June in Mexico City, the El Salvador and Honduras soccer teams met again. El Salvador won the game and, with it, the right to play Haiti in the semifinals.

By this time the old border disputes and trade rivalries had been discussed in the press and radio of both nations until–as investigators reported later–they had come to "poison the spirit of these two peoples with hatred."

As tensions grew, more than 15,000 Salvadorans fled or were driven from Honduras. A "population war," aggravated by soccer rivalries, seemed likely.

On June 25, both nations took their problems to the OAS. From there on, events and international involvements moved swiftly. On June 27, El Salvador broke diplomatic relations with Honduras. The foreign ministers of three neighboring Central American countries–Costa Rica, Guatemala, and Nicaragua–began efforts to mediate (suggest solutions for) the dispute.

All had something at stake. The three nations, together with Honduras and El Salvador, were members of the Central American Common Market.

Operating since 1961, the five-nation Common Market had brought hopeful trends in the Central American economy. Cooperation in tariff policies, transportation, and the marketing of goods had been followed by a huge increase in trade and a 65 percent increase or more in business investment. More than 4,000 miles of new roads to link farms, factories, and markets had been opened. Now there was an immediate threat to the trade and economic well-being of all five nations.

As the foreign ministers were conferring on July 4, the Honduran minister asked for a meeting of the OAS to deal with the alleged "violation of Honduran air space by Salvadoran aircraft." At the same time, ambassadors of the contending countries visited Secretary General U Thant of the United Nations to present separately their versions of hostilities.

Full-scale war broke out on July 14. Honduras declared that El Salvador had bombed and machine-gunned civilian areas in eight cities. Troops from El Salvador invaded Honduras and moved swiftly toward the capital. The Salvadorans were more numerous and better armed. It appeared that they hoped to seize a large area of land in Honduras. They could use this land either for settlement by Salvadorans or for bargaining with Honduras over the treatment of Salvadoran immigrants. The Salvadoran air force, consisting of eight World War II American Mustangs, accompanied the troops. The Honduran air force, of similar vintage, proved superior.

News of the war reached the OAS Council meeting in Washington just after it had voted to send a seven-man committee to study the situation "and the events that had caused it."

Chosen for this peace team were representatives of Costa Rica, Nicaragua, and Guatemala, in addition to those from Argentina, Ecuador, the United States, and the Dominican Republic. President Nixon was kept aware of developments, but released no immediate comment.

Headed by Ambassador Sevilla Sacasa of Nicaragua, the Peace Committee of the OAS flew to Central America the following day to begin inspections on both sides of the border and to consult with officials. The OAS Council issued a call for suspension of hostilities. El Salvador's troops were within 75 miles of

Tegucigalpa, the capital of Honduras.

Leaders of both Honduras and El Salvador knew that if either nation rejected the call for peace, it might be considered the "aggressor," and therefore subject to sanctions: restrictions on trade, travel, and communications. Each country might also have been relieved that the OAS demand gave them a face-saving excuse to stop fighting.

The committee members took particularly strong measures against El Salvador. They threatened a trade embargo on vital goods. El Salvador faced other pressures: Its treasury was already depleted by the war (as was the treasury of Honduras), and its planes had run out of fuel.

In the day-and-night committee meetings set up by the OAS, foreign ministers shouted at each other and almost had fistfights. Finally the El Salvador minister agreed to a troop withdrawal. The Secretary General of the OAS quickly locked him up for two hours so he could not withdraw from the agreement.

Honduras and El Salvador were urged to end the press, radio, and TV campaigns arousing "emotions that are contrary to the integrationist tradition of the peoples of Central America."

Nicaraguan Ambassador Sacasa announced the cease-fire at a press conference on July 18. The OAS sent 64 civilian observers to note any infractions of the guarantees. It was several weeks before all troops were withdrawn from border areas, and incidents of marauding continued for several months. OAS member states, meanwhile, supplied food and medical aid to displaced persons.

An estimated 1,000 to 2,000 persons were killed during the four days of fighting. At the same time, the loss of jobs and the interruptions in trade were especially burdensome for Salvadoran and Honduran nationals.

As the shooting stopped, the Central American nations resumed their cooperation in the Common Market, the OAS, and other agencies. There was still strong feeling in El Salvador and Honduras against trading with each other.

Tens of thousands of Salvadorans left Honduras, but the basic problem of the immigrants was unchanged.

Persisting Questions of Modern Life

1. List the reasons why the OAS was able to stop the war.
2. How do you think the "soccer war" would have turned out if the OAS had not intervened? Why?
3. In New Mexico there is a group of American citizens with ancestors of Mexican origin. These Americans want to run their own affairs rather than be under the control of the United States. They claim that their ancestors controlled the land before it became part of the United States, so they themselves should be able to control it now. Some of these people have hidden in the hills. They have clashed several times with the police.

   Do you favor submitting this dispute to the Organization of American States? What kind of disputes, if any, to which the United States is a party would you favor submitting to the OAS?
4. Imagine a variety of crises that could occur in the Americas. Predict in each case whether the OAS would step in. Then try to draw general conclusions about how useful the OAS might be in settling crises.

   For example, suppose a power from outside the Western Hemisphere were about to force an unpopular native government upon a Latin-American nation. The OAS would probably take such steps as trying to stop arms shipments from the outside country because:
   a. The United States, which can control the OAS, would want to keep the outside power away.
   b. People in all OAS countries would sympathize with the majority in the target country.
   c. The cost of stepping in would probably not be too high.
5. Compare the "soccer war" with the fighting in Ethiopia and in the Katanga section of the Congo. You might begin this comparison by considering which of the following causes of war apply in each case.
   a. One group tried to control the affairs of another group.
   b. One group wanted the wealth of another group.
   c. One group was attempting to impose its own beliefs on another group.
   d. A group was seeking the glory of war to make up for lack of meaning in its life.
   e. One group wanted revenge on another.
   f. Militaristic leaders wanted power.
   g. An arms race got out of hand.
   h. Suspicion and mistrust led to open conflict.
   i. One group sought greater security.
   j. There was a miscalculation of the enemy's intentions.
   k. No organization had authority to restrain the contenders.
   l. Other causes.

   Now consider how effectively the League, the U.N., and the OAS dealt with the *causes* of the conflicts as opposed to simply halting the fighting. What more might have been done in each case?

D. W. Oliver and F. M. Newmann, *Organizations Among Nations,* in series Harvard Social Studies Project, (Middletown, Connecticut: Xerox Corporation, 1970), pp. 46–51.

"Point Roberts"

Transcript of news broadcast concerning Point Roberts:

This special news summary has just been received on the international wire. In a communique, the Prime Minister of Canada announced that the Canadian government has authorized a full investigation of the international boundary situation between Point Roberts, Washington State, and the Province of British Columbia.

In his message the Prime Minister charged that the boundary separating the areas is without historical or logical justification.

Point Roberts, Washington, is a five-square-mile area of American territory surrounded on three sides by water and on the fourth side by the Canadian Province of British Columbia. Point Roberts has no land connection to the United States. It has 1,800 residents, 660 of whom are American citizens.

In Washington, D.C., the Canadian government's action came as a surprise. Although there has been growing dissatisfaction among Canadians over the boundary in the Northwest, Washington officials generally disregarded the likelihood of a crisis.

The president has scheduled a meeting with advisers. His Press Secretary said a statement regarding the Prime Minister's action will be issued later today.

From around the world, reports of startled reactions are pouring into Washington and Ottawa. The Prime Minister of Great Britain called for immediate cooperative efforts between the United States and Canada to settle the crisis and preserve North Atlantic unity.

The French president, however, said that the disputed boundary was another reason for Europeans to re-evaluate the dominant role of the United States in the Atlantic Alliance.

The boundary between the United States and Canada has often been cited as the best example of a peaceful international border. More than 5,000 miles long, it is unmarked by barbed wire or gun installations. Since 1817, there have been no guns at the border except those worn by the border patrol and harbor police.

But goodwill has not always surrounded the border. In the 1840's Great Britain and the United States nearly went to war over it. "Fifty-four forty or fight" was the slogan of the Americans who wanted the boundary farther north. The British claimed the border should be farther south along the Columbia River. As a compromise, the international boundary west of the Rocky Mountains was drawn along the 49th parallel in 1846.

In 1909 the International Joint Commission was established to settle boundary problems between the United States and Canada. Most of their work has been routine, stemming from problems involving resource development of international waters. In one case, the commission heard a United States complaint that smoke from a Canadian smelter was blowing south and polluting air on the American side of the boundary.

Most diplomatic officials in Washington are hesitating to comment on what the Canadian Prime Minister means by a "full investigation" of the boundary situation at Point Roberts. But there is hope that the talks scheduled to be held at various government levels will lead to an amicable and permanent settlement.

You will receive news of additional developments as it becomes available.

High School Geography Project, Association of American Geographers. *Political Geography: Geography in an Urban Age,* (New York: MacMillan Publishing Company, Incorporated, 1979), pp. 49–51.

The Point Roberts Gazette

Point Roberts Update

Point Roberts, Washington–Canadian troops occupied Point Roberts today. Land access to Point Roberts is provided exclusively through British Columbia, Canada which forms the fourth border to the town. Border crossing between Point Roberts and British Columbia are so common that residents paid little to no attention as Canadian soldiers and their gear rolled into town.

In Ottawa, the Canadian Prime Minister claimed possession to this small piece of U.S. territory. In his speech before Parliament, the prime minister said: "There is no historic or geographic evidence to support the existing border. In addition, almost half of Point Roberts' population is composed of Canadian citizens." The prime minister pointed out that Canadian utilities serve the area and that Canadian roads provide the only land-based access to the town. The prime minister concluded his speech by saying that "Although it is doubtful that the U.S. would attack Canada, Point Roberts is essential to Canada's strategic defenses–especially in view of the potential for Soviet aggression against the U.S. If such an attack were to take place, possession of Point Roberts would better allow Canada to assist and defend our neighbor and the Northern portion of the North American continent."

Point Roberts residents met the situation with concern. A hastily assembled public meeting at the Point Roberts High School resulted in a lively, but peaceful debate between Canadian and U.S. residents living in Point Roberts.

The Canadians pointed out that, although they are living and working in Point Roberts on visas or work permits issued by the U.S., their loyalty lies with Canada. Carl LaRue, spokesman for the Canadians, said, "Although we pay taxes to the U.S., our families and our roots are in Canada. This sense of identity is more important to us than where we pay our taxes. Annexation by Canada would make us part of our homeland." He closed his speech by noting that tax rates in both the U.S. and Canada are about the same.

U.S. citizens living in the area countered the Canadians by pointing out that the U.S. has served generations of Point Roberts residents. It also has financed several major public improvement projects including the new multi-million dollar Point Roberts' National Park complex. The park, which features fishing, boating, and camping is scheduled to open this summer and is expected to bring thousands of dollars in tourist trade to the town and British Columbia. The Americans also said that most of the Canadian citizens living in Point Roberts are summer residents only.

Citizens representing both sides met today at City Hall and signed an agreement which prohibits the potential for

outbreaks of violence between the two sides while the town awaits a settlement to the dispute. In negotiating the agreement, both sides mentioned the similarities between the two countries' governments.

Meanwhile, in Washington D.C., the President met with the Secretaries of State and Defense to discuss Canadian action and to appoint a negotiating team.

Reactions from around the world included a call from the NATO countries for a quick and amicable solution. The USSR characterized the border dispute as one more example of Yankee Imperialism and questioned the role of the U.S. in world affairs. Among the private organizations commenting on the situation came remarks from the International Academy of Geophysicists. It reported that there was no evidence of oil or other valuable resources near the town.

Canadian and U.S. Groups

Diplomatic Advisors

1. President (Prime Minister)
2. Secretary of State
3. U.N. Representative
4. Spokesperson*
5. Recorder*

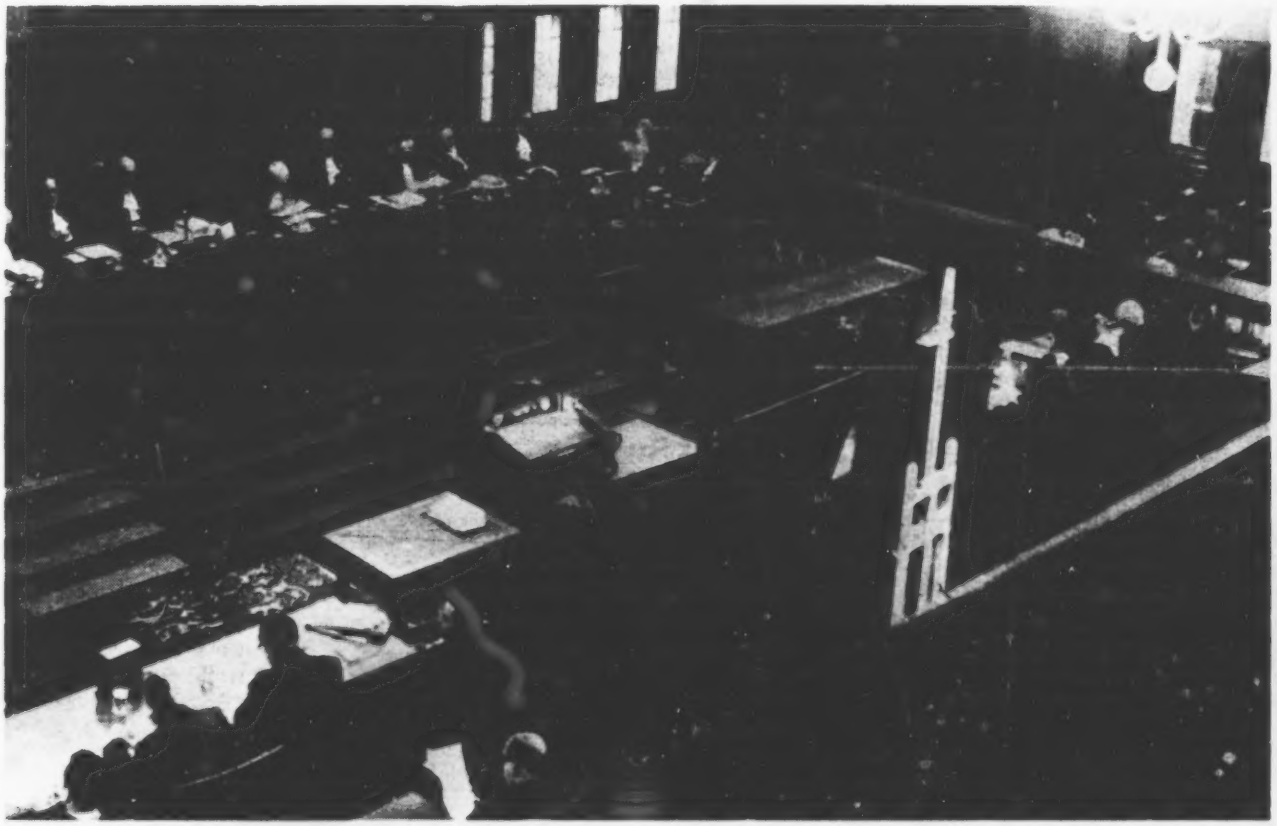
Diplomats (Negotiating Team)

1. Canadian (U.S.) Ambassador
2. Canadian (U.S.) NATO Representative
3. State Department Official
4. Spokesperson*
5. Recorder*

Point Roberts' Citizens

1. Mayor
2. Gas Station Owner
3. Concerned Citizen
4. Spokesperson*
5. Recorder*

*These people are U.S. and Canadian citizens who do not live in Point Roberts, but who also have an interest in the outcome of the negotiations.



". . . the World Court–after years of litigation, after sixteen volumes of written pleadings, after six thousand pages of oral arguments–ruled that it could do nothing about the complaints against South Africa." *UPI*

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Breaking International Trade Barriers

In 1945 the six nations that compose the European Economic Community, or Common Market–France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg–lay shattered under the rubble of war. Today, bound together in what has been called the greatest attempt at European unification since Charlemagne, they constitute one of the fastest growing economies in the West.

The six nations are creating for themselves a single market of consumers and producers nearly as large (186 million people in 1967) as the one that made America rich. And they are cashing in on American-style mass production, and mass marketing.

Primarily this has been accomplished by the most drastic slashing of tariffs (taxes on imports) in economic history. For generations, the 1,700 miles of internal customs lines that separaed the six nations had stifled trade among them. At the same time, such tariffs worked to protect inefficiently operated industries by excluding competition from more modern and lower-cost factories outside a particular nation.

Tariffs on manufactured imports–precision instruments going into France, for example–ran as high as 66 percent. Then in 1958 the Common Market began hacking away at these trade barriers. By July of 1968 most tariffs on individual products among the six nations had been officially eliminated.

Actually, the original plan had been to eliminate internal tariffs gradually over 12 to 15 years. But the first breaches in the tariff wall spurred business so much that even French industrialists, who had feared competition from modern German factories, voted for faster cuts. The total production of the six countries increased 51 percent during the first eight years of the Common Market.

Nor was tariff slashing the only accomplishment of the Market. The member countries became committed to equalizing welfare benefits to workers in order to avoid unfair competition. For example, Germany passed a law requiring German industry to adopt equal wage treatment for men and women, something long practiced in France.

Wages and fringe benefits were also boosted in many companies throughout the six nations. The Market established a billion-dollar bank to make loans to finance industrial development within the member nations. Workers could also go without passports from one country to another for jobs.

In 1957 the six nations signed the Treaty of Rome, which set up the European Economic Community beside the older Coal and Steel Community. They also launched a new enterprise, Euratom, to develop peaceful uses of atomic energy.

In 1967 these three divisions–Euratom, E.E.C., and the Coal and Steel Community–were merged into one organization called the European Communities. The governing bodies of the European Communities took on some functions exercised by national governments and parliaments, such as "making and applying" laws on such subjects as trusts and worker immigration.

Four governing institutions existed within the European Communities: the Council of Ministers, an executive Commission, the Court of Justice, and the European Parliament. These four bodies, however, were of unequal importance.

The European Parliament was very different from the United States Congress, for example. Its members were not elected by the people of Europe but were appointed by national parliaments from among their own ranks.

The Parliament could not make laws or appropriate money. Its main power was its right to dismiss members of the Commission by a two-thirds vote.

The Commission had 14 members appointed by the national governments. It acted as an "executive," having the power in many cases to make decisions and recommendations, as well as to see that provisions of the Treaty were properly executed.

True legislative power rested in the Council of Ministers, where national governments were represented. In theory, no nation had a veto on the Council's decisions, but in practice every nation had a veto on important matters.

Finally there was the Court of Justice. The Court had powers to interpret the Treaty and adjust disputes over its interpretation. Individual governments and their national police forces were bound by Treaty law to carry out the decisions of the Court.

Short of political union, many changes in the political relations of Europe have occurred.

First, there has been the gradual fusing of two traditional enemies, France and Germany, in a fruitful business and political partnership.

Second, there has been a breakdown of frontiers, allowing more free flow of people and goods across national borders. The Common Market has created a new atmosphere in which many industrial agreements have been based on Europe as a whole, rather than on strictly national terms.

A new oil pipeline is being built right across the nations of the Common Market. Telephone companies now base their continental long-distance rates on distance only, and no longer charge extra for international calls. Marriage between citizens of different European nations increased after E.E.C. was founded.

85

Selling German Tape Recorders in France

In 1957, Grundig, a West German manufacturer of electrical equipment, made Consten, a French dealer, its exclusive representative in France to handle its products. This meant that Grundig could not sell to any other French dealer. The contract also prevented Consten from selling any other company's radios, tape recorders, or television sets in France. Thus Consten had a franchise for all of France.

The contract went even further. Consten was not allowed to sell Grundig products outside France–whether it be in Belgium, Italy, or any other nation.

At the same time, the Belgian or Italian dealers who handled Grundig products in their countries were prevented by their own contracts with Grundig from selling the tape recorders outside their own nations.

The result was, of course, that a Frenchman could buy only from Consten, that an Italian could buy only from the Grundig dealer in Italy, and so on.

Grundig was a very popular brand,

much in demand. Since Consten really faced no competition in selling Grundig products, it was able to increase its prices. For example, Grundig products cost about 20 percent more in France than they did in Germany, even after accounting for taxes and shipping costs.

A competitor of Consten, a Paris firm called UNEF, managed to import Grundig equipment into France by getting it directly from West German dealers without authorization from Grundig itself. UNEF was able to undersell Consten and still make a profit.

Consten claimed that UNEF was interfering with its exclusive rights under its contract with Grundig. It sued UNEF for damages, basing its claim on French law. The lower court in France gave judgment for Consten, holding that its contract with Grundig was valid and that, therefore, UNEF owed Consten damages for interfering.

UNEF then asked the Common Market Commission in Brussels, Belgium, to investigate the case. It argued that the contract between Grundig and Consten was illegal under Article 85 of the Common Market Treaty, (which prohibits "agreements between enterprises . . . which are likely to affect trade between the Member States and which have as their object or result the prevention, restriction or distortion of competition within the Common Market . . .;") and that, therefore, UNEF had a right to import Grundig equipment from Germany.

Meanwhile UNEF also appealed the French company's position to a higher French court. Acting as required under the Common Market Treaty, the higher French court suspended its own proceedings since the Commission was actively investigating the case.

The Commission heard all the parties and arguments and reached a decision that agreed with UNEF. First, it concluded that the agreement was clearly covered by Article 85, since its effect was to prevent competition in the sale of Grundig products within France.

Second, the Commission decided that there was no reason to make–as it had the power to do under Article 85–a special exception for Grundig and Consten. It so decided particularly because of those restrictions in the contract against sales by Consten outside of France–and comparable restrictions in contracts between Grundig and dealers in other countries.

This did not mean the exclusive franchise relationship between Grundig and Consten was illegal. It simply meant that such a franchise could not prevent other dealers from purchasing Grundig products wherever that was possible

Grundig and Consten appealed the Commission's decision to the Court of Justice of the European Communities, the Common Market's judicial branch. They claimed that the franchise agreements served valid purposes by giving Consten and other dealers necessary security and thus incentive to devote funds and energies to selling Grundig products. The two companies also argued that quality could be controlled in a franchise.

The Court, however, found in all important respects that the Commission's ruling had adequate support. Thus the decision of the Commission, which prevented Grundig or Consten from hindering other persons such as UNEF or dealers from buying Grundig tape recorders of their choice from elsewhere in the Common Market, stayed in effect.

Soon after the decision, Grundig modified contracts with all of its dealers so that they were no longer prevented from selling to persons in other countries.

D. W. Oliver and F. M. Newmann, *Diplomacy and International Law,* Public Issues Series/Harvard Social Studies Project, (Middletown, Connecticut: Xerox Corporation, 1970), pp. 21–24.

South Africa Faces the World Court

The territory of Southwest Africa, slightly larger in area than Texas, was a land of swamps, deserts, diamond-bearing sands, and bush riddled with the deadly tsetse fly. Of South-West Africa's estimated 500,000 people, some 400,000 were black Africans, about 75,000 were white, and the rest were of mixed race.

The government was controlled by neighboring South Africa, whose white minority government ruled over a large black African majority.

South Africa's rule was based on *apartheid* (a-PAR-tate), or strict separation of races. *Apartheid,* as practiced in South Africa and South-West Africa, was built on principles of white supremacy and permanent white minority rule.

These principles were strictly enforced by an official and comprehensive policy of racial discrimination in every aspect of life–housing, voting rights, employment, and public accommodations. Any resistance to *apartheid* in South-West Africa was quickly crushed by South Africa's powerful security forces, backed up by wide-ranging laws.

The origins of South Africa's rule over South-West Africa went back to the period after World War I and the defeat of Germany and the Central Powers. At the Versailles Peace Conference in 1920, the victorious Allies adopted the mandate system.

Under the mandate system, some former territories of the defeated powers were regarded as being "inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world."

The victorious Allies placed these people under the control of "advanced nations," which were supposed to prepare them for independence. The mandate system was established on behalf of the League of Nations. This was a world organization, resembling the United Nations, which was established after World War I.

Under the mandate system, the former German colony of South-West Africa was conferred on the Union of South Africa in 1920.

Following World War II the League of Nations was abolished and the United Nations was founded. The U.N. Charter replaced the mandate system by a comparable system of trusteeships, which were intended to help the inhabitants of such territories reach self-government.

South Africa argued, however, that the mandate had "expired" when the League dissolved, and refused to accede to a trusteeship. The General Assembly of the United Nations asked the International Court of Justice for an advisory opinion on the international status of South-West Africa.

In a nonbinding opinion delivered in 1950, the World Court ruled that the League Mandate was still in force, that South Africa must report to the United Nations in place of the League, that the International Court of Justice had succeeded to the responsibilities of the former Permanent Court of International Justice in regard to South-West Africa, and that the United Nations must agree to any change in the status of South-West Africa.

Year by year, the resolutions of the General Assembly became more strongly

"South Africa contended that it had complete and independent discretion in South-West Africa, and that *apartheid* was necessary to prevent 'bloodshed and chaos' in the territory."

worded. Many nations denounced *apartheid* in harsh terms: "a cancer on the body politic" (Japan); "a venomous and contagious disease" (Poland); a "bitter toxic" (United States).

In 1960, Ethiopia and Liberia challenged South Africa's administration of South-West Africa. The two African nations, both former members of the League of Nations, brought charges against South Africa before the International Court of Justice. South-West Africa could not bring charges because it was not a state and therefore had no standing before the Court.

Ethiopia and Liberia cited Article 7 of the League Mandate, which states: "The Mandatory agrees that any dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice. . . ."

The questions at issue in the dispute were:

- Whether the mandate was still in force.
- Whether Ethiopia and Liberia had standing to institute the proceeding; that is, whether they were to be regarded as meddling outsiders without any right to call for action by the Court.
- Whether the disagreement must be left to settlement between the parties, being not yet "ripe" for adjudication.

In December 1962, the Court, by an 8-to-7 vote, decided that Ethiopia and Liberia had standing to bring the proceedings and the Court had jurisdiction to pass on the merits of the dispute.

The case then moved into its second phase, in which the Court received pleadings on the merits, held hearings, and received evidence.

Ethiopia's and Liberia's Memorials (statements to the Court) charged that South Africa had failed to "promote the material and moral well-being and social progress" of the people of South-West Africa. The Memorials sought to establish that *apartheid* deprived the people of South-West Africa of the vote, ownership of land, freedom of movement, and human dignity. The Memorials described how *apartheid* in South-West Africa affected the individual "Native":

"Wherever he may be, . . . he may be required at any time to produce a pass showing that he has a right to be within the Territory. . . . If he has a job, . . . he may be required at any time to produce a pass showing his right to hold the job; and he may also be required to prove that

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he has not been on the job for more than a prescribed period. . . . If he should seek to enter any urban area, or any area in which 'Natives' are congregated in large numbers for industrial or mining purposes, he must again be ready at any time to produce a document showing that he has special permission to be there. Even if he has such a document, he must take care lest he find himself within a public place after curfew. . . . Even if he succeeds in establishing his right to reside and be employed within an urban area, he may be removed at any time as 'redundant.' . . . Even though lawfully employed, he must be constantly on guard during his moments of leisure. If he should simply take a walk, he may be challenged to prove that he is not 'an idle and disorderly person.' . . . If he should happen to be upon the road crossing a farm, or near a dwelling house or shop or store, he may be challenged as a loiterer and arrested without a warrant by any police officer or any owner or occupier of land on which he may happen to be. . . . If he leaves the confines of his place of residence or place of employment, he does so at his peril, for he may be challenged at any moment to produce a pass, and failing his ability to do so, may be arrested without a warrant. . . ."

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South Africa contended that it had complete and independent discretion in South-West Africa, and that *apartheid* was necessary to prevent "bloodshed and chaos" in the territory.

During the second phase of the case, when lengthy documents were filed and hearings were held, no question was raised concerning whether Ethiopia and Liberia had a "legal right or interest" to bring the case to court. Every implication was that the matter had been firmly settled by the 1962 judgment.

The final judgment was handed down on July 18, 1966. By a vote of 8 to 7, the Court rejected the claims of Liberia and Ethiopia. The rejection, however, was *not* on the merits; the Court decided that Ethiopia and Liberia did not have the right to bring the case before it because neither party was affected by this mandate.

The main reason for the switch was probably that some of the judges present in 1962 had retired and been replaced by men of different views.

The judgment send shock waves around the world, causing anger and disbelief. While South Africa praised the World Court, most nations were highly critical.

In essence, the World Court–after years of litigation, after 16 volumes of written pleadings, after 6,000 pages of oral argument–ruled that it could do nothing about the complaints against South Africa.

D. W. Oliver and F. M. Newmann, *Diplomacy and International Law,* Public Issues Series/Harvard Social Studies Project, (Middletown, Connecticut: Xerox Corporation, 1970), pp. 13–15.

When Conflict Turns to War

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"Methods do exist for resolving conflicts before bloodshed results." *Wide World*

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Establishing the Limits of War

Are the historic purposes of war and the rules for its conduct applicable to modern conflicts among men? A study of the past reveals man's efforts to set limits on conflict, yet many questions remain unanswered.

Throughout the centuries, men have observed and written of man's dual capacity for war and peace. In one of the oldest written references to war, the book of Deuteronomy in the Old Testament predicts:

> *And they shall beat their swords into plowshares, and their spears into pruning-hooks; nation shall not lift up sword against nation, neither shall they learn war any more.*

But until that time, Scripture urged that enemies within Israel be wiped out and their cities destroyed, the main exceptions being that war not be waged on the Sabbath and that the enemy's fruit trees be spared.

In the ancient world, the history of Greece was profoundly influenced by war.

The Greek city-state of Sparta was devoted to military preparation. All of its citizens received military training from childhood. Babies who were weak or sickly were abandoned on Mt. Taygetus.

Athens, whose greatest arts were those of peace–philosophy, government, sculpture, poetry–resorted to war, and with some pride. When the Greek city-states fell to squabbling, an alliance directed by Athens opposed an alliance led by Sparta. This touched off the Peloponnesian War, which began in 431 B.C. and ended in 404 B.C. with the defeat of Athens.

The Roman Empire was built largely through war and conquest. Yet Roman rule achieved long periods of peace. After Augustus came to power in 27 B.C., he used the power of Rome to keep peace throughout the Mediterranean world. The peace, which lasted more than 250 years, became known as the *Pax Romana*.

Some of history's earliest and greatest wars were fought under the banner of religious belief. When Christianity became the official religion of the Roman emperor in the fourth century, the armies of Rome fought for Christianity.

In the seventh and eighth centuries, the followers of Mohammed extended the Islamic faith by the sword from India to North Africa and Spain. To Moslems, this was the *jihad*, or holy war, and the objectives were both religious conversion and military conquest. Those who refused to accept Islam were often killed without mercy.

In eighth-century Europe, Charlemagne, Christian king of the Franks, saw himself as the partner of the pope of Rome. Charlemagne's missionaries advanced with his armies. At Verden in 782 he had 4,500 pagan Saxons massacred in a single day.

During the Middle Ages, leading Christian religious scholars regarded violence as a fact of life that could not be eliminated–but could be *restrained* by moral principles. Over the centuries these scholars agreed upon what they felt were moral reasons for war and justified ways of fighting it.

The Christian Church was the most powerful institution in Europe before the rise of nation-states. Church leaders hoped, therefore, to be able to impose their rules for a "just" war.

Christian scholars taught that all wars were necessarily just on one side and unjust on the other. St. Augustine had taught in the fifth century that a just war required a just motive. He wrote: "Those wars may be defined as just which avenge injuries or repel aggression."

Later the Church condemned wars of revenge, wars of revolt, civil wars, and wars of Christians against Christians. The Church's "Truce of God" forbade harm to priests, pilgrims, and women, and prohibited war on certain holy days. Eventually, fighting was prohibited during three-quarters of the year. However, these prohibitions were often unobserved.

In the 13th century, St. Thomas Aquinas wrote: "Those who wage war justly aim at peace." For a war to be sanctioned, St. Thomas named three conditions: authorization by a sovereign, a just cause, and a rightful intention.

The Church looked to such teachings to justify certain wars. The Church proclaimed a war to defend the faith as the most just and glorious of all wars. In 1095, Pope Urban II summoned Christians to undertake a war against the Moslems in these words:

"All Christendom is disgraced by the triumphs and supremacy of the Moslems in the East. . . . The Holy Land, which is dear to all Christian hearts and rightfully a Christian possession, is profaned. . . . Christian kings should therefore turn their weapons against these enemies of God. . . . They ought to rescue the Holy Land and the Holy City. They ought to . . . destroy forever the power of the Moslem attack. The war to which they are called is a Holy War. . . . Those who lose their lives in such an enterprise will gain paradise and the remission of their sins."

The Crusades, which followed the Pope's appeal, have been described by some historians as wars of aggression and savagery launched in the name of God. How the medieval Christian Church could worship a merciful God and at the same time rejoice at the sight of a cargo of Saracen noses or thumbs has remained to many historians a mystery of religious faith. But for centuries religion was the main force behind wars.

The era of religious wars came to an end about the year 1648 with the Peace of Westphalia ending the Thirty Years War. That long war, the most devastating the world had known up to then, had its roots in a conflict between Catholics and Protestants. But before it was over, the war was a struggle for control of Europe. The Peace of Westphalia established the doctrine of territorial sovereignty, thus planting the seeds for a new era in warfare–wars between nation-states.

Nationalism–commitment to one's nation–would become the new religion and demand its own crusades. National flags would become the new crosses. During World War I, clergymen on both sides would bless the guns. The Bishop of London would cry, "Kill Germans."

In the United States during the second world war, Christ was portrayed by one historian as "dressed in khaki and sighting down a gun barrel." "Praise the Lord and pass the ammunition" were words from a popular song.

But for the moment, after the Peace of Westphalia, Europe had seen enough of war. The entire continent was shocked by the horror and destruction. Eight million people–about half the population–are estimated to have perished in Germany. In Bohemia, only 6,000 of 35,000 villages survived. During the sack of Magdeburg, 20,000 people were burned to death.

The wars of the 18th century were limited, but not by international agreement. Wars were mostly power struggles among ruling dynasties, where the object was to wrest concessions from the enemy, not destroy him.

The world, however, moved steadily toward total, or unlimited, war. After the French Revolution of 1789, France sought to impose its ideas of "Liberty, Equality,

United Nations vote on question of Iranian situation, December 1981. Can conflict be avoided before bloodshed? *Wide World*

and Fraternity" on all of Europe. European powers united against France, and on August 23, 1793, announced jointly the era of total, or unlimited war:

> *The young shall fight; the married men shall forge weapons and transport supplies; the women will make tents and clothes and serve in the hospitals; the children will make up old linen into lint; the old men will have themselves carried into public squares and rouse the courage of the fighting men. . . . The public buildings shall be turned into barracks, the public squares into munitions factories.*

Wars became as total as men and technology could make them. But unlimited war made possible unimagined levels of death and destruction, as well as the defeat of entire nations, rather than of just professional armies.

Twice as many died in World War I as in all the major wars from 1790 to 1913. The total casualties on both sides of that war, including civilians, were estimated at 20 million dead and an equal number wounded.

The slaughter and horrors of trench warfare created widespread revulsion. Where poets once glorified war, now "war poets" wrote of its evil and inhumanity, as in these lines by an anonymous bard:

> *"War a dirty, loathesome,*
> *servile murder-job . . .*
> *Men maimed and blind; men*
> *against machines;*
> *Flesh versus iron, concrete,*
> *flame and wire;*
> *Men choking out their souls*
> *in poison gas;*
> *Men squelched into the slime*
> *by tramping feet . . .*
> *Men disemboweled by guns*
> *five miles away. . . ."*

World War I was fought as a "war to end wars," in the words of President Woodrow Wilson. After the defeat of Germany, world opinion demanded a treaty that would make it impossible for Germany to make war again.

The Treaty of Versailles in 1919 was severe. It not only placed sole blame on Germany for starting the war, but also demanded that the Germans pay huge sums in war reparations and penalties.

The Treaty of Versailles recognized the need for international agreements on keeping the peace. The League of Nations was founded in 1919 for this purpose. One article of its covenant threatened economic sanctions against any nations that resorted to war.

But the League was weakened by the failure of the United States to join it. And later the League would fail to oppose effectively Japan's invasion of Manchuria in 1931, Italy's invasion of Ethiopia in 1936, as well as other aggressions that led to World War II.

In 1928, the United States and 14 other nations signed the Kellogg-Briand Pact condemning war. The signatories agreed to renounce war as an instrument of national policy in their relations with one another. The pact was ratified by 63 other nations.

At the same time, however, it was recognized that wars could still occur and that modern warfare required limits. Some of the customs and laws of war were unwritten, although generally recognized. Others were to be written in treaties and conventions. The most important conventions were held at The Hague in the Netherlands in 1899 and 1907, and at Geneva, Switzerland, in 1929 and 1949.

The Hague Conventions dealt specifically with such questions as the declaration of war and the commencement of fighting, conduct of war on land and sea, and the duties and rights of neutral

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nations. The Hague Convention in 1907 formed the core of the law of war of the 20th century.

The following examples may indicate the range and significance of the provisions of The Hague Conventions:

- Prisoners of war must be humanely treated. Their food, lodging, and clothing must be "on the same footing" as those of the captor's troops.
- The use of poison or poisoned weapons is prohibited.
- It is forbidden to kill or wound an enemy who has surrendered.
- The attack or bombardment, by whatever means, of undefended towns, villages, or buildings is prohibited.
- When occupying an enemy's territory, civilian honor, rights, lives, property, and religious convictions and practices must be respected.
- "Volunteer corps" (or guerrilla fighters) have the same rights and duties as have armies.

Because of these Conventions, almost every modern soldier knows that he should not fire on a white flag or ambulance, or loot or harm civilians and prisoners, and that, if captured, he need only give captors his "name, rank, and serial number." And most soldiers know that violation of such rules is a war crime.

After World War II, a new issue regarding war crimes arose. The victorious Allies declared that a war of aggression "is not only an international crime; it is a supreme international crime."

However, aggression has been difficult to define. The relevant Articles of the U.N. Charter (Art. 2, Sec. 4 and Art. 51) require member nations to refrain from the threat or use of force, except in individual or collective self-defense. But the Articles leave unclear both what constitutes a war of aggression and what justifies a war of self-defense.

Such concepts are intimately connected with the distinction between a just war and an unjust war–and men and nations have disagreed on this for centuries.

Medieval ideas are still cited as criteria for defining a just war. However, these early principles have been adapted to apply to the conduct of modern war. Modern criteria for a just war include: whether peaceful methods have been exhausted; whether there is discrimination between killing civilians and killing soldiers; the extent to which victory is possible; whether force is being used in self-defense; whether force is being used upon invitation to help a nation under attack; and whether force is used to protect vital interests.

The many questions arising about the legality and morality of modern war are still unresolved. Many moralists and scholars agree that the fight of Western democracies against military dictatorships in World War II was as close to a just war as may be possible.

But the dropping of the atomic bombs on Hiroshima and Nagasaki by the United States and the saturation bombing of German cities were horrible by any standards. In addition, the bombings violated moral principles of war by killing many civilians.

The Allied trial of top German military leaders at Nuremberg after World War II raised additional legal and moral questions–and wrote a whole new chapter in the development and application of an international law of war.

D. W. Oliver, F. M. Newmann, *The Limits of War*, in series, Harvard Social Studies Project, ed. R. W. Fogg, (Middletown, Connecticut: Xerox Corporation, 1970), pp. 7–11.

My Lai

"I did not think in terms of men, women, and children. They were all classified the same–just as enemy."

Prologue

The assault on the Vietnamese village of My Lai was reported at the time as a victory for the American forces. *The New York Times*, like many other American newspapers on March 17, 1968, gave front-page coverage to the assault. The *Times* article said, in part: "The operation is another American offensive to clear enemy pockets still threatening the cities. While the two companies of United States soldiers moved in on the enemy force from opposite sides, heavy artillery barrages and armed helicopters were called in to pound the North Vietnamese soldiers." The newspaper reports, based on information released through official channels in Saigon, noted that 128 enemy soldiers had been killed in the operation, two Americans had died, and ten had been wounded.

Then in the daily flood of news from Vietnam, Americans soon forgot about the assault on the hamlet known as My Lai 4. But the mission was not forgotten so quickly in Vietnam. Rumors began to spread among American soldiers that something out of the ordinary had happened at My Lai. Some of them called it "a turkey shoot." Others, depending on their points of view, described it as "a massacre."

A young helicopter gunner, Ronald L. Ridenhour, from Phoenix, Arizona, was among many GIs who heard the rumors about My Lai. He had a nagging suspicion that there might be some truth to the stories about a massacre. Flying over the hamlet a few days after the assault mission, he had seen a dead Vietnamese woman lying in a rice paddy–but no people or other signs of life.

After he was transferred to another unit, Ridenhour met soldiers who said they had been with the Army company that swept through My Lai. Their stories were similar. They had gone into My Lai, they said, with orders to destroy everything and everyone in sight. Even though "Charlie" Company (C Company, First Battalion, 20th Infantry Regiment, 11th Infantry Brigade, Americal Division) had encountered no hostile action, the GIs said they had killed every man, woman, and child in the hamlet. The story about a fierce battle with Viet Cong soldiers, they said, had been invented to make Charlie Company look good.

If it was true that military forces had killed unarmed civilians, the men of Charlie Company were guilty of acts defined in the *U.S. Army Field Manual* as war crimes. In 1968, the United States Command in Saigon issued the following directive: "It is the responsibility of all military personnel having knowledge or receiving a report of an incident or of an act thought to be a war crime to make such an incident known to his commanding officer as soon as possible."

Ridenhour continued asking questions. But fearing for his own security while in Vietnam, he said nothing and put nothing in writing. When he returned home to Phoenix in December 1968, nine months after the assault on My Lai, he was determined to do something about what he suspected had happened in the hamlet. He prepared a long letter, detailing the reports about My Lai. He sent copies to President Nixon; to key Senators and Congressmen; and to officials at the Pentagon, State Department, and Joint Chiefs of Staff.

"After hearing this account," Ridenhour wrote in the letter, "I couldn't quite

"I didn't think in terms of men, women, and children. They were all classified the same–just the enemy." *UPI*

accept it. Somehow I just couldn't believe that not only had so many young American men participated in such an act of barbarism, but that their officers had ordered it."

He concluded the letter with a plea for an investigation:

> Exactly what did, in fact, occur in the village of "Pinkville" (Charlie Company's special name for My Lai) in March, 1968, I do not know for *certain*, but I am convinced that it was something very black indeed. I remain irrevocably persuaded that if you and i do truly believe in the principles of justice and the equality of every man, however humble, before the law, that forms the very backbone that this country is founded on, then we must press forward a widespread and public investigation of this matter with all our combined efforts.

Within two weeks after receiving the letter, the Army Chief of Staff's office replied to Ronald Ridenhour: "Because the circumstances related in your letter concern events of a year or so ago, a proper investigation will take some time. This investigation is under way now."

The investigation continued in strict secrecy through the spring and summer. Finally, on September 5, 1969, Army press officers at Fort Benning, Georgia, announced that First Lieutenant William L. Calley, Jr., had been "charged with violation of Article 118 (of the Uniform Code of Military Justice), murder, for offenses allegedly committed against civilians while serving in Vietnam in March 1968."

The story aroused little interest. Those newspapers that did print the account buried it at the bottom of inside pages, drawing little or no attention to it. Then, more than a month after the press release, a free-lance writer, Seymour M. Hersh, received a telephone call from a Washington contact. Hersh later quoted his source as saying: "The Army's trying to court-martial some guy in secret at Fort Benning for killing Vietnamese civilians.."

Hersh immediately began his own investigation of the incident of My Lai, an effort that eventually earned him a Pulitzer Prize. On November 13, some of the most influential newspapers in the nation ran Hersh's story on their front pages. A week later the Cleveland *Plain Dealer* published gruesome photographs–which the newspaper said a former soldier had taken at My Lai–of sprawled bodies of men, women, and children. The next night, on the CBS evening news, a veteran of Charlie Company described in chilling detail what had happened to the people in the photographs.

The sensational disclosures of the events at My Lai set off a new Pentagon investigation, which finally involved 400 witnesses and more than 20,000 pages of testimony. The investigators heard that there had been in fact no military resistance at My Lai. There had not even been any male occupants in the village, except boys and old men. Yet, witnesses said,

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Charlie Company soldiers had wiped out virtually every person they encountered. When Army investigators searched the area, in November 1970, they uncovered three mass graves and a ditch filled with bodies. An exact count was not possible, but the Army team estimated that between 400 and 500 people had died at My Lai.

Eventually, 25 officers and enlisted men were charged with violations of military law in connection with the My Lai incident. Some had been there themselves. Many were officers accused of covering up information about the incident at every level, from company headquarters up to division headquarters. Most were eventually acquitted or had the charges dropped. The case that held the center of attention, however, was still that of William Calley–charged personally with the premeditated murder of 22 Vietnamese civilians.

The Rules

The killing of Vietnamese civilians by American soldiers would be classified as a war crime under international law. In this courtroom, however, there were few references to war crimes or international law. This was a military court-martial, a domestic matter, in which the United States Army was trying one of its own members, Lieutenant William Calley, under United States military law. The charge, of course, would have been the same in any court–murder.

The trial lasted for months, the longest court-martial in American military history. It provided not only insights into the character of William Calley and the nature of the Vietnam war, but insights into the ways people think when there are only two categories–us and the enemy.

The following excerpts from the U.S. Army field Manual define, and prescribe punishment for war crimes. These are the points of military law, based on international legal agreements, conventions and treaties, against which Lieutenant William Calley was being tried.

U.S. Army Field Manual: Excerpts

§ 506. Suppression of War Crimes

(a) *Geneva Conventions of 1949.* The Geneva Conventions of 1949 contain the following common undertaking:

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or ordering to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. . . .

(c) *Grave Breaches.* "Grave breaches" of the Geneva Conventions of 1949 and other war crimes which are committed by enemy personnel or persons associated with the enemy are tried and punished by United States tribunals as violations of international law.

If committed by persons subject to United States military law, these "grave breaches" constitute acts punishable under the Uniform Code of Military Justice. . . .

§ 507. Universality of Jurisdiction

(a) *Victims of War Crimes.* The jurisdiction of United States military tribunals in connection with war crimes is not limited to offenses committed against nationals of the United States but extends also to all offenses of this nature committed against nationals of allies and of cobelligerents and stateless persons.

(b) *Persons Charged with War Crimes.* The United States normally punishes war crimes as such only if they are committed by enemy nations or by persons serving the interests of the enemy State. Violations of the law of war committed by persons subject to the military law of the United States will usually constitute violations of the Uniform Code of Military Justice and, if so, will be prosecuted under that Code. . . . Commanding Officers of United States troops must insure that war crimes committed by members of their forces against enemy personnel are promptly and adequately punished.

§ 508. Penal Sanctions

The Punishment imposed for a violation of the law of war must be proportionate to the gravity of the offense. The death penalty may be imposed for grave breaches of the law. . . .

§ 509. Defense of Superior Orders

(a) The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character of a war crime, nor does it constitute a defense in the trial of the accused individual, unless he did not know and could not reasonably have been expected to know that the act ordered was unlawful. In all cases where the order is held not to constitute a defense to an allegation of a war crime, the fact that the individual was acting pursuant to orders may be considered in mitigation of punishment.

(b) In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the armed forces; that the latter cannot be expected, in conditions of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal. At the same time it must be borne in mind that members of the armed forces are bound to obey only lawful orders. . . .

§ 510. Government Officials

The fact that a person who committed an act which constitutes a war crime acted as the head of a State or as a responsible government official does not relieve him from responsibility for his act.

§ 511. Acts Not Punished in Domestic Law

The fact that domestic law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

The Trial

Narrator:

In the following excerpt from the trial testimony, Lieutenant Calley is on the witness stand testifying in his own behalf. He is questioned first by his own defense counsel, and then by the prosecutor. Calley has been claiming that whatever he did was under orders from his company commander, Captain Ernest Medina. Here Calley answers questions by his defense counsel about briefings Medina held before the My Lai action:

Calley and his Defense Counsel:

Q. Did he make any comments about the civilians, as to what they might be?

A. Well, the only remark he made . . . about civilians was that . . . all civilians had left the area, there were no civilians in the area. And anyone there would be considered enemies.

Q. Now, did you have a second briefing?

A. Yes, sir, we did.

Q. And who attended the second briefing?

A. Platoon leaders, basically.

Q. And who conducted that briefing?

A. Captain Medina, sir.

Q. Did he make any comments there about the manner of operation, what

should be done in connection with turning out the area (clearing it of people), or in connection with what should be made certain in regards to the mission?

A. Yes, sir. He re-emphasized on us, on platoon leaders, that under no circumstances would we let anyone get behind us, nor would we leave anything standing in these villages. At least we would get out with what we had and we wouldn't be entrapped. That it was of the utmost to keep the high speed of attack going on. Platoon leaders would not stop for their own wounded. If a man went down, you had to keep going; Third Platoon would pick up casualties.

Q. Now, going back to the principal briefing of the company, do you have any recollection of anybody asking Captain Medina a question about who were civilians?

A. I believe there was a question raised.

Q. What is your recollection?

A. I believe somebody asked if that meant women and children, sir.

Q. Did Captain Medina respond to that question?

A. Yes, sir.

Q. What did he say?

A. He said that meant everything. He said that–he said he meant everything.

Q. Was anything said at that briefing–had anything been told to you about the nature of this area, specifically, whether it was classified by either being or not being a free-fire zone?

A. As long as I have known the area, this area was in the general classification of the word of free-fire zone (a zone in which soldiers may fire at will without waiting for orders).

Q. In the briefing with the platoon leaders, was there anything said at that briefing by Captain Medina about what to do with the prisoners?

A. No, sir, there wasn't.

Q. Was there a policy that had developed in that area . . . in connection with the use of Vietnamese in connection with clearing minefields?

A. I don't think it was said. It was understood when we made our final assault . . . we would have had civilians pulled in front of us, yes, sir.

Q. And what was the purpose for that?

A. Clear the minefields, sir.

Lieutenant Calley told about relaying orders to his men to "waste"–that is, kill–all captives. But at first he denied shooting at civilians himself.

Q. I will ask you whether during that operation you at any time consciously conceived or set down and formed an opinion to waste any man, woman, or child, Vietnamese?

A. No, sir, I didn't.

Q. Now, did you intend on that occasion to waste something?

A. To waste or destroy the *enemy*.

Q. Were you motivated by other things besides the fact that those were enemy?

A. Well, I was ordered to go in there and destroy the *enemy*. That was my job on that day. That was the mission I was given. I did not sit down and think in terms of men, women, and children. They were all classified the same and that was the classification that we dealt with, just as enemy soldiers.

Q. Who gave you that classification, the last time you got it?

A. Captain Medina, sir.

Q. And what did he tell you in connection with that?

A. That everybody in that area would be the enemy and everyone there would be destroyed. All enemies would be destroyed.

Narrator

Then, under questioning by the prosecutor, Calley admitted that he had fired at Vietnamese people piled into a ditch:

Calley and the Prosecutor:

Q. How long did you fire into the ditch?

A. I have no idea, sir.

Q. How many shots did you fire?

A. Six to eight, sir.

Q. One burst or semi-automatic?

A. Semi-automatic.

Q. Who did you fire at?

A. Into the ditch, sir.

Q. What at in the ditch?

A. At the people in the ditch, sir.

Q. How many people were there in the ditch?

A. I don't know, sir.

Q. Over how large an area were they in the ditch?

A. I don't know, sir.

Q. Could you give us an estimate as to how many people there were in the ditch?

A. No, sir.

Q. Would you say it was a large group?

A. No, sir.

Q. You said yesterday, I believe previously, that you considered six to eight to be a large group?

A. Right, sir.

Q. Would you say it was six to eight?

A. I don't know, sir.

Q. You have no idea how many people you saw there?

A. No, sir, I don't know. I don't.

Q. What were these people doing as they were being fired upon?

A. Nothing, sir.

Q. Were they being hit?

A. I would imagine so, sir.

Q. Do you know?

A. I don't know if they were being hit when I saw them, no, sir.

Q. Do you know if you hit any of them?

A. No, sir, I don't.

Q. How far away were you from them when you fired?

A. The muzzle would have been five feet, sir.

Q. You didn't see the bullets' impact?

A. Not that I recall, no, sir.

Q. How do you know these people were dead when you left the ditch there?

A. I don't know, sir, that they were, sir.

Q. Didn't you say yesterday that they were apparently all dead?

A. I said they were apparently all dead, but I don't know exactly if they were dead, sir.

Q. Why were they apparently dead?

A. They were lying still and weren't moving.

Q. You don't know whether any of your men fired into the ditch?

A. No, sir, I wasn't paying attention to where they were firing, how they were firing, how they were holding their weapons. My main thing was–go on, finish off those people as fast as possible and get my people out into position, sir.

Q. Did you tell Captain Medina that you had shot the people in the ditch?

A. Yes, sir, I did.

Q. Did he ask any facts about that?

A. No, sir.

Q. How did you tell him about it?

A. He asked–well, after the higher (superior officer) called back and asked–I said it had been reported that a lot of civilians were killed in the area. He wanted to know what the percentage of civilians was.

Q. What did you tell him?

A. I told him he would have to make that decision, sir.

Q. Is that what you told him–those were your exact words to the captain?

A. Yes, sir.

Q. The group of Vietnamese that your platoon had, were all of them killed in the ditch?

A. I don't know, sir.

Q. Let me ask you this: Did you have any saved up for the minefield?

A. No, sir, I did not.

Q. Did you testify that you received an

order to save some of them for the minefield?

A. Yes, sir. I did.

Q. Why didn't you save some up for the minefields?

A. Captain Medina rescinded that order and told me to waste them, sir.

Q. All right, now, what's the substance and effect of the conversation you had with Captain Medina in connection with your failure to move?

A. Well, I was still in the same basic location, and Captain Medina more or less called me and asked me why I had disobeyed his orders and hadn't moved out as he had directed me to do. And I told him again that I was moving as fast as I possibly could, and I was checking these bunkers in the southern part of the village, and that I still had Vietnamese people there, sir, that were slowing me down.

Q. And what did Captain Medina tell you?

A. Basically, the hell with bunkers. Waste the people and get your people out of there.

Q. Now, at any time did you stop and consider the legality or illegality of those orders?

A. No, sir.

Narrator

Interviewed while awaiting the verdict of the military jury, Lieutenant Calley told a reporter he hoped the My Lai case would bring attention to the terrors of war:

The thing that makes My Lai so unique, it was a small tragedy in a small place, but for once, man was able to see all the hells of war at once.

I can't say I am proud of ever being in My Lai, or ever participating in war. But I will be extremely proud if My Lai shows the world what war is and that the world needs to do something about stopping war.

Many people say war is hell who have never experienced it, but it is more than hell for those people tied up in it.

I am hopeful that My Lai will bring the meaning of war to the surface not only to our nation but to all nations.

My recommendation is that this nation cannot afford to involve itself in war.

The Verdict

On March 29, 1971, Lieutenant Calley was found guilty of the charges against him. Here is part of the statement he made after the verdict was announced:

I'm not going to stand here and plead for my life or my freedom.

But I would like you to consider a thousand more lives that are going to be lost in Southeast Asia, the thousands more to be imprisoned, not only here in the United States, but in North Vietnam and in hospitals all over the world as amputees.

I've never known a soldier, nor did I ever myself, ever wantonly kill a human being in my entire life. If I have committed a crime, the only crime I've committed is in judgment of my values. Apparently I valued my troops' lives more than I did that of the enemy.

When my troops were getting massacred and mauled by an enemy I couldn't see, I couldn't feel, and I couldn't touch . . . nobody in the military system ever described them as anything other than Communism.

They didn't give it a race, they didn't give it a sex, they didn't give it an age. They never let me believe it was just a philosophy in a man's mind. That was my enemy out there.

And when it became between me and that enemy, I had to value the lives of my troops—and I feel that was the only crime I have committed.

Discussing the Issues

1. Do you think the trial of Calley, and the world-wide exposure of the My Lai incident in the press and on television, will help to prevent similar incidents in the future? Why or why not?
2. Some people said that Calley's conviction tended to put the blame for war crimes on the servicemen closest to the fighting—the infantrymen who must make the most difficult decisions under the most dangerous conditions. A bomber pilot is not asked to make similar judgments—or to take the blame for his actions. Do you believe that pilots whose bombs kill civilians should be tried for war crimes? Why or why not?
3. Some people saw Calley as the scapegoat for the guilt of higher military and political officials—or even for the "collective guilt" of the American people as a whole. What do you think about collective guilt? Are the citizens of a nation, such as Nazi Germany, responsible for war crimes if, as individuals, they do nothing to prevent them?
4. There was a great deal of other evidence presented in the Calley trial in addition to the material given in this book. Longer excerpts may be found in the *New York Times* of February 24, 1971. On the basis of the excerpts available to you, in this book or elsewhere, what verdict would you have reached if you had been a judge at his trial? Why?

Defining Principles

1. One way to enforce international laws governing individual responsibilities in wartime is to make the nation-states themselves responsible for enforcement. The *Geneva Conventions on the Law of War*—revised August 12, 1949, and signed by 58 nations—did just that. These nations agreed to require their own citizens to obey the Geneva Conventions, just as if these were their own national laws. The *U.S. Army Field Manual*, which Lieutenant Calley should have been familiar with, states how the Geneva Conventions apply to members of the U.S. Army. Excerpts appear in this book. Read especially § 507 and § 509. Is the wording of § 509 (b) an adequate guideline about what to do if one is ordered to commit an act that might be considered a war crime?
2. Nation-states obey international law on a voluntary basis. What do you think are the practical advantages and disadvantages of enforcing international law through national legal systems?

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